



**Optional Protocol to the
Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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**Subcommittee on Prevention of Torture and Other Cruel,
Inhuman or Degrading Treatment or Punishment**

**Visit to Cyprus undertaken from 25 to 29 January
2016: observations and recommendations
addressed to the State party**

Report of the Subcommittee* **, ***

* In accordance with article 16 (1) of the Optional Protocol, the present report was transmitted confidentially to the State party on 10 February 2017. On 4 September 2017, the State party requested the Subcommittee to publish the report, in accordance with article 16 (2) of the Optional Protocol.

** The present document is being issued without formal editing.

*** The annexes to the present document are being circulated in the language of submission only.



Contents

	<i>Page</i>
I. Introduction	3
II. Findings.....	3
A. Fundamental legal safeguards.....	3
B. Police detention	4
C. Nicosia central prison	7
D. Undocumented migrants in detention	9
E. Athalassa mental health hospital.....	12
F. Children’s home in Larnaca.....	13
G. National preventive mechanism.....	13
H. Other issues.....	16
III. Final recommendations	16
Annexes	
I. Government officials and other persons with whom the Subcommittee met	17
II. Places of deprivation of liberty visited by the Subcommittee	19
III. Places of deprivation of liberty visited jointly by the national preventive mechanism and the Subcommittee	20

I. Introduction

1. In accordance with its mandate under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, members of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment visited Cyprus from 25 to 29 January 2016.
2. The Subcommittee members who conducted the visit were Malcolm Evans (head of delegation), Mari Amos, Margarete Osterfeld and Paul Lam Shang Leen.
3. The Subcommittee was assisted by two human rights officers from the Office of the United Nations High Commissioner for Human Rights, two security officers and four local interpreters.
4. Cyprus acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 26 July 2004 and ratified the Optional Protocol on 29 April 2009. On 28 July 2009, Cyprus designated the Office of the Commissioner for Administration and Human Rights (Ombudsman) as the national mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment.
5. The main objectives of the visit were: (a) to provide advisory services and technical assistance to the national preventive mechanism, in accordance with article 11 of the Optional Protocol, with the aim of identifying and addressing the challenges and difficulties faced by the mechanism and taking into account the Subcommittee's guidelines on national preventive mechanisms (CAT/OP/12/5); and (b) to help the State party to fully implement its obligations under the Optional Protocol, thereby strengthening its ability to protect persons deprived of their liberty and addressing the challenges relating to undocumented migrants.
6. The Subcommittee met with government officials and other persons (see annex I) and visited places of detention (see annex II). Meetings held with members of the national preventive mechanism permitted the Subcommittee to discuss their mandate and working methods and to explore ways of strengthening and increasing their effectiveness. In order to better understand how the national preventive mechanism worked in practice, the Subcommittee also visited, together with the mechanism, a place of deprivation of liberty that had been chosen by the mechanism (see annex III). That visit was led by the mechanism; the members of the Subcommittee acted as observers.
7. The present report contains the Subcommittee's observations, findings and recommendations and, in accordance with article 16 (2) of the Optional Protocol, will remain confidential unless the authorities of Cyprus decide to make it public.
8. The Subcommittee notes that States that have decided to make Subcommittee reports public can apply for assistance through the Special Fund established under article 26 of the Optional Protocol, to help with the implementation of the Subcommittee's recommendations.
9. The Subcommittee wishes to express its gratitude to the authorities of Cyprus for their help and assistance in the planning and undertaking of the visit.
10. The Subcommittee also wishes to express its gratitude to the Special Representative of the Secretary-General in Cyprus and Head of the United Nations Peacekeeping Force in Cyprus for the assistance provided prior to and during the visit.

II. Findings

A. Fundamental legal safeguards

11. The Subcommittee notes that the Law Providing for the Rights of Persons Arrested and in Custody (Law No. 163 (I) of 2005) sets out the fundamental legal safeguards for persons in pretrial detention and persons arrested and in custody. The Subcommittee is

concerned that some of those legal guarantees are not given full effect in practice. Moreover, as observed by the Committee against Torture (see CAT/C/CYP/CO/4, para. 7), persons deprived of their liberty are in practice not provided with all the rights stipulated in the law. Thus, although the law provides that detainees have the right to contact a lawyer and relatives immediately after the arrest, the Subcommittee notes that that does not actually happen. Likewise, it notes that the grounds on which third party notification can be delayed for up to 12 hours appears to be invoked more frequently than is justifiable.

12. The Subcommittee recommends that the State party ensure that the grounds on which a third party notification can be postponed for up to 12 hours are only invoked in exceptional situations and that postponements are justified.

13. The State party guarantees free legal aid to persons without sufficient means. The Subcommittee understands that for free legal assistance to be provided a court decision is required, which means that such assistance is often not available during the critical periods of initial detention and interrogation or during initial court hearings. Furthermore, domestic law contains safeguards for arrested or detained persons, including the right to be informed promptly of their rights in a language that they understand.¹ However, the Subcommittee notes that detainees are not systematically notified of their rights in a language or in a manner they understand.

14. The Subcommittee recommends that the State party establish, as a matter of priority, an effective and expeditious system for providing free legal aid from the start of detention. In addition, the State party should ensure that all detained persons are informed, both orally and in writing, of their rights in a language that they understand, of legal remedies and of how to challenge the lawfulness of their detention.

15. The Subcommittee notes that initial medical checks are done at some police stations. However, during its visit the Subcommittee learned that detainees did not systematically undergo medical screenings² and that such screenings were not carried out with the thoroughness envisioned in the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol). Consequently, not all allegations of torture and ill-treatment could be effectively investigated.

16. The Subcommittee recommends that the State party ensure that detainees undergo systematic medical screening and that, when they are necessary, such screenings be carried out in accordance with the Istanbul Protocol. In particular, the Subcommittee recommends that all allegations or complaints of torture and ill-treatment be communicated to the appropriate authorities promptly and impartially and that they be effectively investigated, in accordance with article 12 in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It further recommends that the regulations applicable to all places of detention take account of the Istanbul Protocol and that they be effectively communicated to detainees and others involved in their implementation. The Subcommittee further recommends that the State party provide appropriate training to medical and legal staff on the use of the Istanbul Protocol.

B. Police detention

1. General issues

17. The Subcommittee commends the State party for the relatively good physical conditions in most police facilities visited. A notable exception, however, is the police station at Limassol, which is in urgent need of renovation.

18. The legislative framework guarantees, for those in pretrial detention, the right to be charged promptly or to be released. The Subcommittee notes that many detainees spend

¹ Cyprus, Law Providing for the Rights of Persons Arrested and in Custody, Law No. 163 (I) of 2005, part I (rights in connection with arrests), para. 3 (3).

² Ibid., part II (rights during detention), para. 27.

long periods in police detention while on remand. In addition to being inappropriate, that situation is made worse by the physical conditions of such facilities, which are unsuited for extended stays, and, in particular, by the lack of recreational activities. The Subcommittee is also concerned about the seemingly near-automatic renewal of court orders extending periods of detention on remand. The Subcommittee believes that the periods of detention on remand are too often prolonged.

19. **The Subcommittee recommends that the State party review its laws and practices to reduce the length of pretrial detention and reminds the State party that police stations should not be used as places of detention for extended periods of time, as set out in the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules). Should it be necessary to use police facilities for short periods, appropriate arrangements should be made for adequate out-of-cell time and recreational activities. In all instances of lengthy periods of pretrial detention, which should not be served in police facilities, the Subcommittee recommends that detainees be kept in remand centres providing appropriate social and recreational services and out-of-cell activities.**

20. During its visit, the Subcommittee observed that individual detainee files and registers were not kept using a standardized file management system and that parts of the registers were computerized while others were in written form, which made it very difficult to trace the history and status of detainees within the system. The Subcommittee also observed that, in several cases, medical information was kept in general files instead of in separate, confidential files. The Subcommittee recalls that the maintenance of complete and reliable records of persons deprived of their liberty is one of the fundamental safeguards against torture and ill-treatment, and is an essential condition for the effective exercise of due process guarantees, such as the right of detainees to be promptly brought before a judge and the right to challenge the legality of detention. The Subcommittee is concerned that, although most of the required details are recorded, there is a lack of uniformity, with practices varying greatly among police stations.

21. **The Subcommittee recommends that the State party ensure that its registration and filing systems concerning detainees is standardized and that medical information is kept separately and in a confidential place. Information related to a particular person in detention should be traceable and include:**

- (a) **The exact date and time of apprehension;**
- (b) **The exact time of arrival at the facility;**
- (c) **The reasons for the arrest;**
- (d) **The authority ordering the arrest;**
- (e) **The identity of the arresting officer or officers;**
- (f) **The date and time of and the reasons for a detainee's transfer or release;**
- (g) **The precise information about where the person was held during the whole period of detention (e.g. cell number);**
- (h) **The date, time and identity of the person notified of the detention, including the signature of the officer who processed the notification;**
- (i) **The date and time of a family visit;**
- (j) **The date and time of the request for a meeting with a lawyer and the date and time of that meeting;**
- (k) **The date and time of the request for a visit of a health professional and the date and time of that visit;**
- (l) **The date and time of the detained person's first appearance before a judicial or other authority.**

22. **Police and custodial officers should be properly trained in the maintenance of registers and should enter the information promptly, from the moment of arrival of**

the detainee. Registries should be regularly inspected by prosecutors and by internal oversight bodies of the police and the penitentiary system, as well as be made available for examination by the national preventive mechanism. Failure to comply with provisions concerning the proper keeping of accurate registers should result in disciplinary measures.

23. The Subcommittee recommends that electronic registers be progressively introduced throughout the country and that the information contained in them be harmonized. The Subcommittee also recommends that a standard national database be set up and that the case-related information contained therein be updated systematically, as that would enable the authorities to track each detainee throughout the system more effectively. The Subcommittee suggests that consideration be given to rolling out such a harmonized approach to the courts and other parts of the judicial system.

24. During its visit, the Subcommittee received isolated allegations of ill-treatment from persons held in pretrial detention in police stations, especially in relation to the inappropriate use of handcuffing. The persons making the allegations felt unable to file a complaint, as a result of which the allegations were not duly investigated.

25. The Subcommittee reminds the State party that it must ensure that its competent authorities undertake prompt, thorough and independent investigations whenever there are reasonable grounds to believe that an act of torture or inhuman or degrading treatment has been committed and that all who allege having been subjected to torture or inhuman or degrading treatment have the right to complain and to have their case promptly, thoroughly and impartially examined by the competent authorities. Steps should be taken to ensure that complainants are protected against ill-treatment or intimidation as a consequence of a complaint or any evidence given. Furthermore, the Subcommittee urges the State party to resort to handcuffing only when strictly necessary.

2. Limassol police station

26. The single-occupancy cells in Limassol police station are spacious but natural light is very poor and the physical and hygienic conditions of the in-cell toilets and communal shower blocks are not adequate. The material conditions in the cells used for holding juveniles are particularly poor, as they have inadequate bedding and lack pillows, allegedly for security reasons, although there is no evidence that the current state of the bedding is the result of a particular identified risk.

27. The Subcommittee recommends that the State party renovate the cells at Limassol police station in order to allow better natural light and ventilation. Special attention should be given to improving the communal toilets and shower blocks. Appropriate bedding, including pillows, should be provided to juveniles in detention.

3. Paphos police station

28. Detainees in Paphos police station, a newly built facility, are held in large cells with a toilet and a shower but without adequate ventilation or natural light. As the cells are almost soundproof and as detainees can remain locked up in them for as many as 22 hours a day, for weeks, the result can be oppressive and dehumanizing.

29. The Subcommittee recommends that the State party improve conditions of detention in Paphos police station by providing detainees with more time for exercise and recreational activities, including increased opportunities for interpersonal contact, especially for those in extended pretrial detention. The Subcommittee reminds the State party that police stations are not appropriate for prolonged pretrial detention.

C. Nicosia central prison

1. General issues

30. The Subcommittee is mindful of the efforts made by the State party to improve the material conditions at Nicosia central prison. However, some serious concerns remain. Several convicted foreign nationals, mainly from other European Union countries, have complained of having to wait a long time before being returned to their country of origin to complete their sentences and that the reasons for the delays have not been provided. One person had to wait 22 months. In addition, convicted foreign nationals do not receive visits and have limited access to audio and video communication (two 30-minute Skype calls per month), creating a feeling of abandonment that, over time, can affect their mental health.

31. The Subcommittee recommends that the State party establish an effective system for providing foreign nationals waiting to return to their country of origin with relevant information, including up-to-date information concerning any outstanding appeals, other issues concerning their legal status, including on the determination of their status, and concerning their projected removal. The Subcommittee also recommends that immigration detainees be allowed to have increased levels of regular contact with the outside world.

32. Padlocked complaints boxes are located in various parts of the prison, to allow detainees to complain in writing to the director of the prison and to the ombudsman. Reportedly, complainants have either not received responses to their allegations (concerning visits, clothes, work, the number of telephone calls etc.) or, if they have, have not been told why their complaints have been rejected. As a result, the Subcommittee questions the effectiveness of the complaints mechanism.

33. The Subcommittee recommends that the right to lodge complaints be guaranteed in practice, that complaints be promptly considered and that reasoned decisions be taken and communicated to complainants as soon as possible, within a set time frame. A system for registering the complaints received should be established and information should be recorded on the nature of the complaint, the date on which it was received, the date and nature of the decision taken in respect of the complaint and the subsequent action taken. Those records should be checked regularly by an independent body. Moreover, complainants should be provided with adequately reasoned responses, as well as information on the complaints process itself and on how to appeal negative outcomes.

2. Juvenile wing

34. Despite the recent efforts made to improve the specific activities available to juveniles in detention, the Subcommittee believes that more activities could be provided in order to mitigate the negative effects of detention and the prison-like environment. The Subcommittee underlines the importance of ensuring that a wide range of activities is available to juveniles. Juveniles should be allowed to participate in appropriate activities and be trained in life skills that will be of value to them upon their release, be important for their reintegration into the community, minimize the risk of reoffending and meet their particular need for intellectual stimulation.

35. The Subcommittee recommends that the State party take measures to ensure that the environment in the communal area of the juvenile wing at Nicosia central prison is less prison-like and, to that end, to provide to detainees held in that wing suitable recreational facilities, equipment and activities.

36. During its visit, the Subcommittee found two boys aged 14 who were detained in the juvenile wing of Nicosia central prison. However, the information recorded in the register did not reflect the actual age of the boys. The Subcommittee is concerned about the incoherence and inaccuracy of the information in the juvenile detainee file register, which renders it impossible to trace the presence, history and current status of juveniles in detention.

37. **The Subcommittee recommends that the State party ensure that children, including those aged between 14 and 18 years, are not tried in the adult justice system, regardless of the nature of the offence committed. The Subcommittee also recommends that the State party ensure that an effective central computerized file registration system is put in place (see paras. 21-23 above).**

38. The Subcommittee is concerned about the fact that the showers and toilets it saw in the juvenile wing of Nicosia central prison were filthy and that many of the mattresses, pillows and bedsheets were similarly dirty.

39. **The Subcommittee recommends that the State party ensure that all sanitary facilities in the juvenile wing are clean and in good hygienic conditions. The Subcommittee also recommends that every juvenile detainee be provided with sufficient bedding, which should be clean when issued, kept in good order and changed often enough to ensure its cleanliness.**

3. Mental health wing (wing 10)

40. By setting up a special wing for prisoners with mental health problems, the authorities of the Nicosia central prison have improved the standard of continuous medical care for this group of detainees. At the time of the Subcommittee's visit, 9 male patients were housed in wing 10, although the Subcommittee had been told it was currently housing 10 patients. While the Subcommittee welcomes, in principle, the initiative to separate persons in mental distress from other detainees and to provide them with specialized care, it is concerned that patients in wing 10 lack knowledge about the complaints mechanism, including the presence of a complaints box, and about the fact that the complaints box is located on a top shelf by the security entrance to the wing, making it difficult for patients, who are particularly vulnerable, to lodge a complaint freely and confidentially.

41. **The Subcommittee recommends that the State party remove the complaints box from the security entrance of wing 10 and locate it in the common dining area, to ensure that it is not under the constant supervision of prison guards and so that patients can lodge complaints confidentially.**

4. Women's wing

42. The Subcommittee acknowledges the efforts made by the State party to address overcrowding but notes with concern that, despite those efforts, overcrowding persists in the two dormitories in the women's wing of Nicosia central prison. At the time of the Subcommittee's visit, the dormitories, each measuring approximately 48 m², were holding 18 and 19 detainees respectively. Such a situation is unacceptable, as such confined spaces means that there is no privacy and an increased risk of health problems, intimidation and violence. It also poses a challenge to the staff seeking to exercise proper control over the dormitories.

43. **The Subcommittee notes that construction of a new wing for women, to improve material conditions and combat overcrowding, is under way. In that regard, the Subcommittee recommends that the State party ensure that the new wing will meet women's specific requirements and address the issue of overcrowding in the dormitories.**

44. The Subcommittee welcomes the fact that both men and women are permitted to visit detainees in the women's facility during Christian festivals such as Christmas and Easter, provided that all the prisoners involved agree, but regrets that this practice only seems to extend to Christian celebrations.

45. **The Subcommittee recommends that the State party ensure that men and women be permitted to visit female detainees not only in relation to Christian festivals but also on the occasion of religious festivals of other religious traditions, when appropriate.**

46. During its visit, the Subcommittee received reports alleging that women were not being provided with access to a gynaecologist and had to wait a long time, sometimes as much as a couple of months, for a consultation.

47. **The Subcommittee recommends the State party ensure that women in detention are provided with gender-specific health services that are at least the equivalent of those available in the community, in accordance with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).**

D. Undocumented migrants in detention

1. General issues

48. The Subcommittee reminds the State party that migrants should be detained only as a measure of last resort. The State policy of criminalizing undocumented migration, and the functioning of the migration detention facilities in Cyprus in general, undermines the basic rights of migrants and weakens their protection against torture and ill-treatment. The Subcommittee is particularly concerned by the extended periods for which undocumented migrants can be detained and that they are treated as if they had been convicted of a criminal offence.

49. **The Subcommittee recommends that the State party detain undocumented migrants only as a measure of last resort. When it is strictly necessary to do so, such migrants should not be detained in a prison-like environment but in facilities equipped to provide adequate recreational, physical and cultural opportunities, to which the migrants have effective access.**

50. It is clear to the Subcommittee that undocumented migrants in detention lack information concerning their personal and legal situation, which causes them stress and anxiety, exacerbating their feelings of hopelessness and negatively affecting their mental health. Given their particularly vulnerable situation, which many migrants experience as being “limbo”, particular care should be taken to ensure that all relevant information is swiftly and effectively communicated to them, in an appropriate manner and in a language they understand. At all stages of processing, migrants interviewed by the Subcommittee during its visit expressed incomprehension as to why they were in a particular detention facility, or in detention at all, and, especially, appeared not to understand what was happening to them or what would happen to them next. Migrants appeared to be unaware of their rights, the services available to them or the legal procedures they were involved in. They were distressed at being separated from family and friends, or from others with whom they had travelled, and at not being informed of why they were supposedly being treated differently from others. There was a significant lack of communication between the authorities and the migrants, both generally and as regards the particulars of each case.

51. **The Subcommittee recommends that the State party establish procedures to ensure that migrants are provided with information concerning their personal situation and changes to their personal legal situation, promptly, in an appropriate manner and in a language they understand. They should also be effectively informed about support and other services available to them, how to access them, their rights and obligations during the relevant legal processes and procedures, the possible consequences of non-compliance or non-cooperation and any remedies available to them.**

2. Korfinou centre for migrants

52. The Subcommittee visited the open reception centre for migrants at Korfinou. The Subcommittee was concerned at the lack of hot water, particularly as it was winter when the visit took place, and at the fact that over one third of the centre’s population was made up of young children. It noted that some migrants were being accommodated in very cramped conditions and was particularly concerned by the appalling state of some of the communal toilets and shower blocks, apparently due to the centre’s management not being responsible for their maintenance.

53. The Subcommittee was also concerned that children were mainly being educated at the local schools in Greek, which many could not understand. The recent introduction of Greek language classes, while welcome, does not comprehensively address the problem.

54. The Subcommittee recommends that the State party improve the provision of hot water at the centre and review the arrangements for the maintenance of the toilets and showers so that they fall within the responsibility and control of the centre's management. The State party should ensure that children are provided with education in a language they understand, while also providing lessons in local languages in order to enhance access to learning and, more generally, social integration. The Subcommittee recommends that the State party ensure that all children have immediate access to such classes and are taught in such a way as to ensure their full and proper engagement throughout the school day.

3. Mennoya detention centre

55. The Subcommittee went to the Mennoya detention centre, where it observed the visit led by the national preventive mechanism. It later visited the centre a second time, unaccompanied by the mechanism, to better understand the issues faced by the undocumented migrants detained there. The Subcommittee was very disturbed to observe that the centre felt like a high-level security facility and that the internal regime was of a penal nature. The undocumented migrants detained in the centre were treated like criminals, as demonstrated, for example, by the routine use of handcuffs during transfers.

56. The Subcommittee recommends that the State party ensure that undocumented migrants be detained only as a measure of last resort (see also paras. 48-49 above) and that it immediately prioritize non-custodial measures. Should the detention of some undocumented migrants prove to be absolutely necessary, it should be for the shortest time possible and in appropriate facilities that are not of a prison-like nature.

57. The Subcommittee is concerned by the allegations made by some undocumented migrants that they were beaten while in detention by custodial staff. It is also concerned by both the xenophobic nature of those allegations and, in particular, by the lack of any investigation related to them.

58. The Subcommittee recommends that the State party conduct, as a matter of priority, prompt, impartial and effective investigations into any allegations or complaints of torture or ill-treatment, pursuant to article 12 in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Subcommittee recalls that the fight against impunity is an important means of preventing torture and ill-treatment.

59. The undocumented migrants detained in the centre complained of being treated as criminals, of being subjected to a very harsh regime of treatment and of being deprived of their liberty. A recurrent complaint concerned the near total absence of information concerning legal proceedings related to their cases, both from those awaiting an initial determination and those awaiting the outcomes of an appeal, notably from those without a lawyer. The Subcommittee was especially concerned about the long periods for which persons were held pending deportation, which in some cases were of more than two years. The Subcommittee considers that the failure to provide detainees with accurate and timely information, especially by the immigration services, is a matter of serious concern, compounding the feelings of many undocumented migrants that they have been abandoned and are in a state of limbo. For those without their own lawyers, the lack of legal aid is another serious concern. The situation as a whole also places the staff of the centre in a difficult situation, as they are unable to provide detainees with accurate information concerning their situation within the immigration process, which triggers additional animosity.

60. The Subcommittee recommends that the State party promptly provide undocumented migrants in detention with detailed and accurate information concerning their legal status and all the procedures affecting them, including their refugee status determination, deportation and possible means of appeal and remedies. Effective means of providing such information should be available in respect of all

such detainees, including those who do not have their own lawyers. To this end, the Subcommittee recommends that appropriate legal aid be provided for all those who need it. The Subcommittee also recommends that thought be given to having immigration officers based at the centre in order to ensure the effective provision of timely and accurate information concerning immigration status determinations and related processes.

61. The Subcommittee is concerned about the difficulties faced by undocumented migrants in detention in communicating with the outside world, their family, friends and their countries of origin. It should be recalled that most have no visitors, which, given the prolonged periods of detention, can negatively affect their mental health.

62. **The Subcommittee recommends that the State party ensure that undocumented migrants in detention have regular contact with the outside world, especially their family and friends, through appropriate means of audio and video communication. In addition, the State party should make meaningful Internet access available to them.**

63. The Subcommittee is concerned that complaints mechanisms are limited to complaints boxes located in areas that are not easily accessible by the detainees, such as in the administrative parts of the centre, and that the authorities responsible for opening the boxes and processing the complaints are not clearly identified.

64. **The Subcommittee recommends that the State party ensure that all undocumented migrants in detention are notified of their right to submit confidential complaints and to do so without fear of reprisal or the threats of reprisal. Complaints should be promptly considered and a response communicated to the complainant.**

65. The Subcommittee notes with concern the excessive amount of medication provided to undocumented migrants, as well as the unclear nature of the procedures applied for prescribing such medication. During its visit, the Subcommittee was particularly concerned that where the authorities within the centre suspected that behaviours might be attributable to mental health problems, the police sought involuntary treatment orders (normally for 15 days) from the court, on the basis of which detainees could be taken to a psychiatric hospital for treatment. Such transfers were conducted by the police in police vehicles, with the detainee restrained. Police officers appeared not to have received any specific training regarding detainees with mental disorders. Only upon arrival at the hospital would a detainee receive a proper medical examination. The Subcommittee also noted with concern that migrants awaiting deportation did not undergo a medical examination prior to their deportation.

66. **The Committee recommends that the State party establish clear protocols for the prescription of medication in the detention centre. Such protocols should refer to international pharmacological standards and informed consent should be obtained from the undocumented migrants for any such treatment. Migrants with symptoms of serious mental concerns should first be evaluated by appropriate medical specialists. Any involuntary placement or treatment order should only be made or given after a court hearing, at which the person concerned should appear.**

4. Centres for unaccompanied minors

67. The Subcommittee visited two institutions for unaccompanied minors aged between 12 and 18 years, one for girls and one for boys. The unaccompanied minors interviewed were unaware of their rights, of the services available to them and, most importantly, of their legal situation. The Subcommittee is concerned about the lack of information provided not only to the unaccompanied minors, but also to the staff working in the facilities. For the minors, that lack of information creates a sense of isolation and abandonment; for the staff, it prevents them from supporting each minor according to his or her needs.

68. **The Subcommittee recommends that the State party provide unaccompanied minors with a guardian to keep them informed of their legal situation and to effectively protect their interests. The State party should also equip the facilities with adequate means for the minors to communicate with the outside world, their families and their legal counsel, including a free Wi-Fi system and computers. In addition, the**

authorities should keep staff well informed of the unaccompanied minors' legal situation.

69. The Subcommittee also notes with concern that, in the Cypriot school system, children can only enrol once a year, in September. This leaves a considerable number of unaccompanied minors outside of the education system and distressed about the lack of meaningful activities available to them, leading many of them to say that their everyday life revolves around "sleeping, eating, sleeping". The Subcommittee is concerned that the lack of information and the failure to provide answers and explanations to questions directly contributes to stress and anxiety among the unaccompanied minors.

70. The Subcommittee recommends that the State party ensure that every unaccompanied minor has effective access to an education that is suited to his or her needs and abilities and that is designed to prepare him or her for inclusion in society. In addition, every child should, when appropriate, receive vocational training in an occupation that is likely to prepare him or her for future employment. Unaccompanied minors should also be able to preserve and practise their own recreational, cultural and artistic traditions. Given the particular vulnerability of unaccompanied minors, the Subcommittee recommends that the State party give due regard to ensuring that such minors have sufficient opportunities to participate in sports, in the arts and in leisure activities. In addition to being enrolled in school, unaccompanied minors should be offered intensive language courses.

71. In the institution for unaccompanied girls, the Subcommittee received several complaints about the lack of heating and, in particular, the girls' inability to adequately control the temperature.

72. The Subcommittee recommends that the State party ensure that there is adequate heating, that the heating is suitable to the climatic conditions and that the heating system is in good working order.

E. Athalassa mental health hospital

73. The Subcommittee visited the two closed wards at the Athalassa mental health hospital, one of which is for women and one of which is for men.

74. Although the ward for men was austere and impersonal, being equipped only with beds and closets, the Subcommittee notes the efforts made by the staff in the ward for women to create a welcoming atmosphere by using visual stimuli and decorations and by arranging group activities for patients.

75. Despite the poor material conditions of the facility, the patients who were interviewed spoke positively of their relations with staff. Nurses had a good understanding of patients' needs and were considerate. The Subcommittee is pleased to note that restraints were used only when strictly necessary.

76. The Subcommittee is concerned that the hospital is clearly old and that its facilities are rundown and outdated. In particular, the Subcommittee believes that patients in closed wards ought to have access to outdoor spaces. A modern psychiatric care facility is needed.

77. The Subcommittee recommends improving the material conditions at Athalassa mental health hospital, including by repainting the ward for men and ensuring that patients have direct access to an outdoor area.

78. The Subcommittee is concerned that when these two wards are used to hospitalize patients from the Nicosia central prison no additional specialist staff are made available to ensure that all patients continue to receive appropriate levels of medical care in a safe and secure environment.

79. The Subcommittee recommends that the State party ensure that the medical care available to all patients is not negatively affected by the hospitalization of patients from the Nicosia central prison and that there is enough staff for all patients to receive appropriate medical care in a safe and secure environment.

80. At the time of the Subcommittee's visit all 11 patients in the ward for men had been hospitalized by court order; some had been hospitalized at the request of their parents. The Subcommittee was informed that parents and police officers had jointly requested patients' involuntary hospitalization and that the requests had been granted seemingly automatically by a judge, allegedly within minutes, while the patients, whose views were not taken into account, were waiting outside in a police car.

81. The Subcommittee is aware that, after admittance, some patients may wish to leave. There appears to be some uncertainty concerning the legal situation of patients who have been hospitalized voluntarily or those who have been hospitalized involuntarily, which can result in the arbitrary deprivation of liberty. Patients do not have legal counsel to represent their interests separately from the interests of their relatives and doctors. This is even more worrying given that independent medical experts are not consulted and that there appears to be no institutionalized right to appeal. The Subcommittee is also concerned about the process and practice for the admission and, in particular, the discharge of patients.

82. The Subcommittee recommends that the State party ensure that there is effective judicial oversight in respect of decisions to detain and treat patients, especially juveniles, involuntarily and that all necessary legal safeguards are applied to involuntary placement procedures. To that end, the Subcommittee draws the attention of the State party to the Subcommittee's document on the rights of persons institutionalized and treated medically without informed consent (CAT/OP/27/2) and stresses that the decision to institutionalize a person should be taken only after a qualified, impartial and objective medical expert has been consulted. The Subcommittee recommends that juveniles be given the opportunity to express their views concerning the measures proposed and that due regard be given to their specific wishes and preferences.

F. Children's home in Larnaca

83. The children's home in Larnaca mainly houses minors who have been placed in State-run institutional care owing to social and economic problems faced by their families, but it also houses unaccompanied migrants. At the time of the Subcommittee's visit, 13 children aged between 5 and 14 years were housed in the facility.

84. The material conditions at the children's home were good. Both sleeping and recreational rooms offered a relaxed and convivial environment, in terms of decoration, hygienic conditions and overall atmosphere. However, the practical arrangements for the accommodation of children could be improved.

85. The Subcommittee recommends that, in order for each child to have sufficient privacy and personal space, no more than two children share a room. Bedrooms should not be shared unless the children involved freely agree to the arrangement. Moreover, the children should be of the same gender and of a similar age (except in the case of siblings).

G. National preventive mechanism

86. Further to the ratification by Cyprus of the Optional Protocol in April 2009, the Office of the Commissioner for Administration and Human Rights (Ombudsman) was designated as the national preventive mechanism by virtue of Law No. 2 (III) of 2009. The mechanism has carried out visits to places of deprivation of liberty and has published a number of reports containing recommendations urging the relevant authorities to improve the situation in those places.

1. Legal framework: access

87. The Subcommittee is seriously concerned by subsections (2) and (3) of section 5 of Law No. 2 (III) of 2009, which require the Commissioner to provide prior written notification of the intention to visit a place of detention and the time and date of the planned

visit, as these conditions represent an obstacle to free access to places of detention. Moreover, the provisions are not in compliance with articles 1, 2, 4, 19 and 20 of the Optional Protocol, among others.

88. The Subcommittee recommends that the State party repeal, as a matter of urgency, subsections (2) and (3) of section 5 of Law No. 2 (III) of 2009 and ensure that the national preventive mechanism has the right, in practice, to visit all places of deprivation of liberty in Cyprus, without preconditions and in line with the Optional Protocol.

2. Legal framework: structure and independence

89. The Subcommittee is concerned about the lack of functional independence of the national preventive mechanism, as set out under subsection (1) of section 4 of Law No. 2 (III) of 2009. While there is no single model for an Optional Protocol-compliant national preventive mechanism structure, it is clear that when national human rights institutions are designated as national preventive mechanisms their particular structures must be examined in order to ensure that the mechanism can fulfil its mandate. Experience suggests that a national preventive mechanism can most effectively exercise its mandate when it is located within a separate unit of the national human rights institution. In Cyprus, this does not appear to be the case. Moreover, the national preventive mechanism of Cyprus should have full operational autonomy with regard to its staff, but it does not. The mechanism does not have any staff working exclusively for it and those who do spend some of their time on mechanism-related activities must fit that work in and around other duties. That situation makes it very difficult, if not impossible, for the mechanism to take a systematic and planned approach.

90. The Subcommittee recommends that the State party amend subsection (1) of section 4 of Law No. 2 (III) of 2009 in order to establish the national preventive mechanism as a fully independent structure within the Office of the Commissioner, with its own staff and budget (see CAT/OP/12/5, para. 24).

3. Resources

91. The Subcommittee is concerned that the designation of the Office of the Commissioner as the national preventive mechanism of Cyprus has not been accompanied by the allocation of sufficient additional resources, including human resources. The Subcommittee reminds the State party that, pursuant to article 18 (3) of the Optional Protocol, States parties are required to make available the necessary resources for the functioning of the national preventive mechanism. Without proper resources, including in terms of staffing, the mechanism cannot fulfil its preventive mandate.

92. The Subcommittee recommends that the State party allocate, as a matter of priority, the financial resources needed by the national preventive mechanism, as required by the Optional Protocol and the Subcommittee's guidelines for such mechanisms (see CAT/OP/12/5, para. 11), and as set out in the national preventive mechanism assessment matrix.³ If the mechanism is to have functional independence, it must have full control over its staff and not be dependent on the decisions of other State bodies.

93. The Subcommittee is also concerned that the authorities have not allocated the necessary resources because they do not consider that the national preventive mechanism needs additional support in order to carry out its mandate effectively. The Subcommittee does not agree with such an assessment. For example, the mechanism was not able to access the necessary medical expertise when visiting Athalassa mental health hospital, which impeded its work.

94. The Subcommittee reminds the State party that, in order for national preventive mechanisms to fulfil their mandates effectively, they should have a separate secretariat and their own staff and should be able to make recourse to

³ Available from www.ohchr.org/EN/HRBodies/OPCAT/Pages/Documents.aspx.

external experts, including medical experts, interpreters and others, as necessary, when such expertise is not available internally. The Subcommittee recommends that the State party allocate the resources needed by the national preventive mechanism. The State party should consult directly and in a constructive manner with the mechanism with a view to ascertaining the nature and extent of the resources needed for it to properly fulfil its mandate in accordance with the provisions of the Optional Protocol.

4. Resources: staffing

95. The Subcommittee is also concerned that only two staff of the Office of the Commissioner perform tasks related to the national preventive mechanism mandate, and that they do so on a part-time basis because they also have other duties related to other mandates of the Office. That situation affects not only the ability of the mechanism to fulfil its mandate but also its functional independence, within and outside of the Office. It is simply impossible for two part-time staff members to conduct regular visits to some 50 places of deprivation of liberty.

96. **The Subcommittee recommends that the State party allocate to the national preventive mechanism sufficient resources for the mechanism to perform its mandate effectively, in accordance with article 18 (3) of the Optional Protocol and the Subcommittee's guidelines for national preventive mechanisms (see CAT/OP/12/5, para. 11). The Subcommittee draws the attention of the State party to its views on organizational issues regarding national preventive mechanisms that form part of a national human rights institution (see CAT/C/57/4 and Corr.1, annex, paras. 11-23) and recommends that the State party ensure that its national preventive mechanism is able to organize itself and to undertake its work in accordance with that guidance.**

5. Awareness

97. The meetings held by the Subcommittee with some of the relevant authorities revealed that little was known about the national preventive mechanism. Clearly, the mechanism lacks visibility and there may be a lack of understanding of its role and of the nature of its work, which has a detrimental effect on its efficiency. In addition, there needs to be greater awareness of the reports of the mechanism and, especially, of the degree to which the authorities implement the recommendations contained in the reports. The Subcommittee notes that there is very little knowledge of the mechanism among relevant stakeholders, including persons deprived of their liberty, public authorities and other State monitoring bodies, civil society actors and the general public.

98. **The Subcommittee recommends that the relevant public authorities meet with the national preventive mechanism directly in order to discuss the implementation of its recommendations, in accordance with article 22 of the Optional Protocol. The Subcommittee also recommends that the State party do the following: (a) take steps to assist the mechanism in making its mandate and its work better known to the general public; (b) ensure that the mechanism is recognized as a key component of the country's system for preventing torture and ill-treatment; (c) contribute to making the work of the mechanism more visible by, for example, organizing awareness-raising campaigns and other promotional activities, including the production and distribution of materials, in various languages, on the mandate and the activities of national preventive mechanisms to persons deprived of their liberty, public authorities, civil society organizations, lawyers, members of the judiciary and the general public; and (d) engage with a broad spectrum of stakeholders, especially in civil society, concerning the work of the mechanism.**

H. Other issues

Reprisals

99. The Subcommittee wishes to emphasize that any form of intimidation or reprisal against persons deprived of their liberty constitutes a violation of the State party's obligation to cooperate with the Subcommittee under the Optional Protocol.

100. **The Subcommittee calls upon the State party to ensure that no one who cooperated or met with the Subcommittee during its visit to Cyprus is subject to sanctions, in accordance with article 15 of the Optional Protocol.**

III. Final recommendations

101. The Subcommittee regards its visit and the present report as the commencement of a constructive dialogue with the Government of Cyprus. The Subcommittee stands ready to assist the State party, insofar as it is able, in fulfilling its obligations under the Optional Protocol, in particular through the provision of technical assistance and advice, in order to achieve the common goal of preventing torture and ill-treatment in places of deprivation of liberty.

102. The Subcommittee emphasizes that its visit provides Cyprus with an ideal opportunity to demonstrate its goodwill and its readiness to fulfil its international obligations under the Optional Protocol.

103. The Subcommittee recalls that prevention of torture constitutes an ongoing and wide-ranging obligation of the State party. The Subcommittee requests that the State party keep the Subcommittee informed of any legislative and policy changes and of other relevant developments regarding the national preventive mechanism, in order that it might continue to assist the State party in fulfilling its obligations under the Optional Protocol.

104. The present report will remain confidential until such time as the State decides to make it public, as stipulated in article 16 (2) of the Optional Protocol.

105. **The Subcommittee recommends that the State party distribute the present report to all relevant government departments and institutions. It also recommends that the State party make the report public, as doing so is in itself a preventive measure, and requests that it be notified of the State party's decision in that regard.**

106. The Subcommittee draws the State party's attention to the Special Fund established under article 26 of the Optional Protocol. The recommendations contained in public reports on visits of the Subcommittee can form the basis of an application for the funding of specific projects in accordance with the rules of the Special Fund.⁴

⁴ See www.ohchr.org/EN/HRBodies/OPCAT/Fund/Pages/SpecialFund.aspx.

Annexes

Annex I

Government officials and other persons with whom the Subcommittee met

A. National authorities

Ministry for Foreign Affairs

Alexandros N. Zenon, Permanent Secretary, Ambassador

Pantias Eliades, Political Director, Ambassador

Charis Christodoulidou, Director of Multilateral Affairs and International Organizations Department

Meropi Christofi, Government Focal Point

Ministry of the Interior

Makis Polydorou, Acting Director of Civil Registry and Migration Department and Head of Asylum Service

Loucas Hadjimichael, Deputy Civil Defence Commissioner

Natasa Economou, Head of Migration, Asylum and European Affairs Department

Ministry of Labour, Welfare and Social Insurance

Toula Kouloumou, Director of Social Welfare Services

Maria Kyratzi, Social Welfare Services

Irini Panela, Social Welfare Services

Ministry for Justice and Public Order

Andreas Mylonas, Permanent Secretary of Ministry of Justice and Public Affairs

Maro Varnavides, Director of Public Order Directorate

Niki Saourou, Administrative Officer

Athena Demetriou, Prisons Department

Ioannis Xanthou, Police Deputy Commander, Aliens and Immigration Unit

Michael Fellas, Senior Police Officer, Commander of Menogia Detention Centre

Xenios Mama, Police, Human Rights Department, contact point

Natasa Antoniou, Police, Human Rights Department

Ministry for Health

Ioannis Kalakoutas, Director of Mental Health Services

Georgios Mikellides, Psychiatrist

Pantelis Panteli, Special Psychiatrist

Tasoula Argyrou, Chief Nurse

Koula Mita, Occupational Therapy Expert

Elena Makrigiorgi, Administrative officer/contact point

Ministry of Defence

Col. Andreas Charalambous, Commander, Military Police

Major Nicolas Demetriou, Deputy Commander, Military Police

B. Legislative branch

Parliamentary Committee on Human Rights and on Equal Opportunities for Men and Women

Fittis Sophoclis (Chair)

Rikkos Mappourides

Skevi Koutra Koukouma

Stella Misiaouli Demetriou

Roula Mavronicola

Parliamentary Committee on Legal Affairs

Sotiris Sampson

Rikkos Mappourides

Georgios Georgiou

Aristos Damianou

George Loukides

Giorgos K. Georgiou

Nicholas Papadopoulos

Antonis Antoniou

Fidias Sarikas

C. National preventive mechanism

Office of the Commissioner for Administration and Human Rights

Aristos Tsiartas, Head and First Officer

Kalia Kambanella, Officer and national preventive mechanism focal point

D. Civil society organizations

Future World Center

Hope for Children (policy centre on the Convention on the Rights of the Child)

KISA

Cyprus Red Cross Society

E. International organizations

Office of the United Nations High Commissioner for Refugees in Cyprus

United Nations Peacekeeping Force in Cyprus

International Organization for Migration

Representation Office of the European Commission in Cyprus

Annex II

Places of deprivation of liberty visited by the Subcommittee

Mennoyia detention centre

Larnaca centres for unaccompanied minors

Larnaca orphanage

Korfinou reception centre

Ayia Napa police station

Aradippou police station, Larnaca

Nicosia central prison

Paphos central police station

Germasoiya police station, Limassol

Athalassa mental health hospital

Annex III

Places of deprivation of liberty visited jointly by the national preventive mechanism and the Subcommittee

Mennoyia detention centre
