



**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*

Addendum

Replies of Cyprus**

* In accordance with article 16 (1) of the Optional Protocol, the report of the Subcommittee 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.



I. Introduction

1. The Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) visited Cyprus from 25 to 29 January 2016. The Subcommittee has requested the Government of Cyprus to provide its response to the recommendations included in the report CAT/OP/CYP/R.1* on its visit to Cyprus. The Cyprus Government submits its response in the following report.

II. Response

A. Fundamental legal safeguards

2. Members of the Police inform detainees of their rights, both orally and in writing. When needed, an interpreter is called in order to assist the detainee understand his/her rights. The Chief of Police via a relevant circular to the members of the Police recalls the need for the protection of a detainee's rights.

3. Nevertheless, after the relevant recommendation of the SPT, members of the Police were given new instructions to implement the provisions of the Law for the Rights of Persons who are Arrested and Detained (L.163(I)/2005), in general and especially, concerning the right of the detainee to be informed about his/her rights and the right of access to a lawyer.

4. Additionally, the Law for the Rights of Persons who are Arrested and Detained, (L.163(I)/2005) was amended in 2014 for the purposes of harmonization with Directive 2012/13/EU, offering additional rights to persons arrested or/and detained. In this regard the Police amended the document "Rights of Detained Persons", which includes, inter alia, the following rights:

- The right to be informed of the reasons of his/her arrest or detention and of the offence that he/she is accused of having committed;
- The right of access to a lawyer;
- The right of free legal aid/assistance and the conditions required for such assistance;
- The right of interpretation and translation;
- The right to remain silent;
- The right of communicating with a lawyer and or any other persons in order to inform them about the arrest and/or detention;
- The right to be informed of the place of detention;
- The right of access to the material of the case;
- The right to inform consular authorities or any other person;
- The right of access to urgent medical care;
- The right to be informed of the maximum time of detention;
and
- The right to challenge the lawfulness of the arrest and detention.

5. The above information is provided in a simple and easy to understand language, taking into account the special needs of the arrested persons.

6. When the document is not available in such a language that the person understands, the person is informed of his/her rights orally, in a language he/she understands. The document is provided to the person subsequently with undue delay in the language he/she understands.

7. It is also worth noting that, according to the law, the arrested person has the opportunity to read the document and has the right to keep it in his/her possession throughout his/her detention. The Cyprus Police has translated this document in 19 languages (Hindi, English, Arabic, Bulgarian, French, Georgian, Iranian, Chinese, Latvian, Bengali, Polish, Romanian, Russian, Sinhalese, Turkish, Filipino, Vietnamese and Serbian).

8. Immediately after the arrest of a person he/she is given a list of lawyers, with their contact details (name and telephone number). The list is reviewed annually and sent to all police stations.

9. If the person does not have the financial means to appoint a lawyer, he/she can apply for legal aid. This means that a suspect or accused person may appoint a lawyer from the outset of his deprivation of liberty and simultaneously request legal aid from the court. In case the legal aid request is approved by the court, then according to the Legal Aid Law (Law 165(I)/2002, as amended), the legal aid will include not only the procedure before the court, but also every stage of the investigation or other processes that took place before the initiation of the criminal process and are associated therewith. Legal aid includes legal counselling, support and representation. In criminal cases, the right to legal aid for all stages of criminal proceedings applies to proceedings that carry a sentence of more than a year.

10. Further to the above, every detained person is entitled to hold confidential interviews with his/her lawyer for his/her defense on any day and at any time, in a private space in the detention centre.

11. Every detained person is entitled to send and to receive letters to and from his lawyer without the letters being opened or read by any Police member except in exceptional cases where the officer in charge of the detention place has reason to believe that an illegal object is enclosed in the envelope and in such case the letter is opened and checked by a Police member or the prison staff in the presence of the detained person, without reading the letter.

12. It should be noted that the above mentioned Law was again amended in March 2017 in order to be harmonized with the Directive 2013/48/EU on the right of access to a lawyer and the right to have a third party informed upon his/her deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty. The provision regarding the grounds on which third party notification could be delayed for up to 12 hours, was deleted from the Law and replaced with the following provision: "The right to third person information is not granted to a person arrested immediately after the arrest, where justified in the light of the particular circumstances of the case on the basis of one of the following compelling reasons:

(a) Where there is an urgent need to avert serious adverse consequences for the life, liberty or physical integrity of a person;

(b) Where there is an urgent need to prevent a situation where criminal proceedings could be substantially jeopardised, and provided that the derogation:

(i) Is proportionate and not go beyond what is necessary;

(ii) Is strictly limited in time;

(iii) Is not based exclusively on the type or the seriousness of the alleged offence; and

(iv) Does not prejudice the overall fairness of the proceedings".

13. In this regard, a circular has already been sent in order to inform all members of the Police about the amendment of the Law and the implementation of its provisions. The aforementioned Law enhances the right of the detainee to access a lawyer, the right of the lawyer to be present during the interview, to inform and communicate with a third person and consular authorities. The Police is currently in the process of amending the document "Rights of Detained Persons" and planning of a new training program, in order to educate members of the Police about the new amendments of the Law. The "Rights of Detained Persons" document will be translated in several languages. The relevant Police Standing

Order “Rights and Treatment of Detained Persons” will also be amended in order to comply with the Law.

14. The Minister of Justice and Public Order, mindful of the need for Police Officers’ to fully respect citizens, has sent official orders to the Chief of the Police, asking him to take additional measures so that the members of Cyprus Police fully comprehend the notions of responsibility, respect and protection of all citizens.

15. All Police Officers who perform administrative work show alertness and intervene in time in cases where there appears to be danger of authority abuse and violation of citizen human rights. Additionally, instructions were given in order to reinforce the members’ education, especially through training on protection, respect for human rights, police ethics and legal framework application, supported by other state services or academic foundations.

16. In this regard, the Police has taken various measures for the promotion of human rights, the protection of the rights of detainees and the prevention of ill-treatment. Some of these actions are listed below:

1. Circular letters

17. As regards ill-treatment, the Chief of Police, following instructions from the Minister of Justice and Public Order, has issued circular letters, (dated 2.7.2014, 17.9.14 and 10.3.15) informing Police members that the Attorney General, after having examined various criminal interrogations and administrative investigations concerning citizens’ allegations of abuse and/or exercise of violence by Police members, gave instructions that when such allegations are reported, he must be informed promptly (within a maximum of 24 hours), so as to enable him to exercise his powers, which includes the power to assign independent criminal investigators to examine the allegations. Furthermore, the Independent Authority for the Investigation of Allegations and Complaints against the Police, which has competence to act ex-proprio motu, must also be informed within 24 hours.

18. Moreover, the Attorney General gave the following instructions on procedures to be followed by the Police:

- The previous practice of Police conducting administrative or criminal investigation of such cases is terminated;
- Whenever a person files a complaint of having been abused or subjected to violence by Police members, he/she must be examined by a forensic pathologist, who in turn must submit a relevant report on his/her findings. The report is then forwarded to the Attorney General;
- If such a complaint is filed by a foreign national, the Head of the Aliens and Immigration Service is also informed, so that no deportation proceedings are executed;
- In addition, circulars are also sent to members of the Police concerning human rights and treatment of detainees. Specifically, instructions were given to all police personnel on the following issues:
 - Transportation of all immigration detainees from police detention centers to Menoyia Detention Center within 48 hours,
 - Implementation of the visiting schedule, according to the relevant Police Standing Order and placement of signs in all police stations with the visiting hours,
 - Information of persons arrested and detained of their rights, both orally and in writing,
 - Systematic inspection of detainees’ files in order to ensure the proper completion of the file,
 - Placement of the Detainees Rights in the cells,
 - Guaranteeing the right of the arrested person for contacting a person of his/her choice in the presence of the Police,

- Proper completion of the medical form by the medical officer after medical examinations,
- Prohibition of isolation and any other form of punishment,
- Provision of specific personal hygiene items (soap, shampoo, toilet paper, toothpaste, toothbrush and personal hygiene items for women),
- Organization of inter-departmental training on issues relating to human rights and treatment of detainees.

2. Training

19. The Cyprus Police Academy provides *education/training* on preventing torture and ill treatment by Police members as well as training on human rights issues, at all levels of Police training. Specifically, such lectures aim to educate Police Officers of all ranks: at the basic Training Programme for Recruit Police Officers, at advanced courses such as the Chief Inspector Course, the Inspector Course, the Sergeant Course and the Basic and Advanced Criminal Investigation Department Courses. Specialized courses are also offered to the members of the Aliens and Immigration Unit and to the members who work at Police Stations, based on specific needs.

20. Police training focuses on harmonizing police mentality with the new multicultural environment of Cyprus society. In this respect, emphasis is given on building and maintaining a positive approach by Police members towards all individuals, regardless of their culture, customs, religion, sexual orientation and place of origin.

21. Also, a 14 week training program was designed for Police officers who were appointed to serve at Menoyia Detention Center. The training program started at the beginning of December 2012 and included a separate section on human rights. Police officers that work at Menoyia Detention Center, periodically (every six months) receive revisional programs, focusing on human rights, racism, xenophobia, the rights of detainees, etc.

22. It should be noted, that due to the financial crisis that led to budgetary constraints and the reduction of Police personnel, the Cyprus Police Academy has temporarily suspended its operations as of December 2015. However, during 2016 the Cyprus Police Academy offered the following training programs:

- Repetition of Training Program for Menoyia Detention Center Police members every six months, as provided by the relevant legislation. It should be noted that the program includes lectures on human rights delivered by representatives of the Ombudsman Office;
- Schengen training program — (329 members of the Police were trained);
- Law of the Sea training program — (26 members of the Police were trained).

23. A specific training program entitled “Community/Ethnic groups, Behaviour, Racism and ways of Combating» was organized on 13-14 October 2016 for 75 police members of Community Policing, in cooperation with the Police Office of Administration & Human Rights.

24. The Police is planning to hold in 2017 a core seminar for members of the Police, which aims to further train the members of the Police in topics related to respect and protection of human rights and the implementation of the Police Code of Ethics. Members of the Police who will participate in this training program will be responsible to then train other members of their Department and transfer the knowledge and information received during the training.

25. Training offered by the Cyprus Police Academy in various Programs include the following topics:

- Communication in a Multicultural Society/Respecting Diversity;
- Policing a Multicultural Society;

- Securing Human Rights: Law Enforcement agencies, the Constitution of Cyprus and International Law;
- Enforcement of Human Rights by Law Enforcement Agencies;
- Human Rights and Police Ethics;
- Prohibition of torture and other forms of inhuman or degrading treatment or punishment;
- Racial Discrimination and other Forms of Discrimination;
- Legislation/Investigating offences related to racism/Racial Discrimination;
- Discrimination and racist Behaviour;
- Combating Xenophobia and Racism;
- Trafficking in Human Beings;
- Police Ethics and Corruption;
- Police culture and subculture;
- Police Ethics/Police Conduct;
- Anger management.

26. Furthermore, between 2014-2016, a number of Police Officers participated in educational programs and training on related subjects which were organized/offered by other institutions or Organizations, in Cyprus and abroad. Some of the educational programs are listed below:

- Fundamental Rights and Police Ethics;
- Detection of ill-treatment and victims of ill-treatment;
- How can members combat hate crime effectively;
- Regional Consultative Workshop for law enforcement officers on migration and health;
- Administration training of trainers for police officers;
- Combating of violence against women;
- Dealing with persons with violent behaviour;
- Policing the impact of migration;
- Police role in combating discrimination.

27. In the light of the 2014 amendment Law 163(I)/2005, the Police launched on 28-29 May 2015 a Training Program at the Cyprus Police Academy, aimed at a specific group of Police officers on the treatment of detainees. This program included topics related to the human rights of detainees and the obligations of the Police members deriving from the relevant Laws and the Police Standing Orders. It is worth noting that, within this program, a member of the Office of the Commissioner for Administration (the Ombudsman), gave lectures on issues relating to human rights of detained persons. Lastly, it should be noted that departmental training is conducted regarding protection and promotion of human rights, treatment and rights of detainees, etc.

3. Police Code of Ethics

28. The Police Code of Ethics was recently revised taking into consideration, inter alia, the European Police Code of Conduct and the Guide of Conduct and Ethics for Public Servants, prepared with the assistance of the Ombudsman. The Code of Ethics was enriched with new provisions concerning the behavior of police officers during the performance of their duties. Additionally, the Code of Ethics was divided in articles, in order to facilitate its comprehension by members of the Police as well as making it more user-friendly.

29. The Code of Ethics was distributed in booklet form to all members of the Police for awareness raising purposes, as well as, strengthening transparency and public confidence towards the Police, further development of professionalism within the Police and promotion of citizens' human rights.

30. The Code has eight articles that are related to the general obligations and duties of the Police, behavior during police actions, behavior during investigations and interviews, behavior during arrest and detention, etc.

31. The Code of Ethics was uploaded to the Police Portal and the official website of the Cyprus Police, both in Greek and English.

4. Handbook on Human Rights and Manual on the treatment on juvenile offenders and victims

32. The *Handbook on Human Rights* was prepared by the Police in order to inform and sensitize police members on the protection and promotion of human rights. The Handbook includes issues relating to the use of force, treatment of detainees, detention conditions, etc. The Handbook will be printed and distributed to members of the Police and will also be uploaded to the police portal.

33. The *Manual on the treatment on juvenile offenders and victims* was prepared and distributed to all relevant departments of the Police. The Manual aims to raise awareness of police officers on handling juvenile offenders and victims, and to promote and protect the rights of these persons. The Manual was distributed to members of the Police and was uploaded to the police portal.

5. Conference entitled "Respect for Human Rights"

34. On the occasion of Human Rights Day (10th of December) a conference was organized by the Cyprus Police in 2016. The aim of the conference was to raise awareness with regards to respect and protection of human rights and the strengthening of human rights protection during the exercise of Police duties. 100 members of the Police attended the conference. The conference will be repeated in December 2017.

6. Folders on Human Rights and Racism

35. A folder was created on the internal website of the Police (portal) entitled "Human Rights", in order to systematically inform and sensitize all members of the Police on issues concerning human rights and the treatment of detainees. The folder includes circular letters, conventions, legislation, reports and manuals of best practices.

36. A second folder entitled "Racism & Diversity" was uploaded on the official website of the Cyprus Police. The folder includes brochures, targeting primarily third country vulnerable groups residing in Cyprus, which were published and uploaded in four languages (English, Bengali, Vietnamese and Sinhalese with all necessary information concerning existing legislation and legal protection against discrimination.

7. Memorandum of Understanding

37. The Chief of Police and representatives of NGOs signed on 9 Feb. 2017, a Memorandum of Understanding for the Protection and Promotion of Human Rights with Non-Governmental Organizations (NGOs). The purpose of the Memorandum is to further improve and develop closer cooperation between NGOs and the Police for the protection and promotion of human rights. The Memorandum includes the following sections: "Visits in police detention centers or at the Menoyia Detention Center", "Provision of assistance in police detention centers or at the Menoyia Detention Center", "Submission of complaints/exchange of information", "Education", etc.

8. Study on Human Rights

38. The Police is preparing a study on Human Rights and ill-treatment, which is expected to be completed in 2017 and will examine court cases involving human rights violations such as abuse, degrading treatment, illegal arrests, etc.

9. Informational leaflet

39. The Police printed an informational leaflet entitled “Respect for Human Rights”, which was distributed to members of the Police. The leaflet was also uploaded to the Police Portal.

10. Specific Criteria for placement in detention centers

40. Efforts are being made for setting specific criteria for the placement/transfer of members of the Police in detention centers. The purpose of this effort is the placement of the most capable members in the appropriate positions so as to prevent incidents of ill treatment.

11. Amendment of the Law 235/90

41. The Parliament has recently amended the Law ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in order to impose more severe penalties in cases of ill-treatment.

B. Police detention

42. As regards the **length of detention** of persons in remand, the law provides that an arrested person can be deprived of his/her liberty or detained for a maximum period of twenty-four (24) hours following the arrest, until he/she is brought before a court of law. At the end of that period, the person must either be released or be heard by a judge who will decide on the continuation of his/her detention. The law also provides that the judge before whom the person arrested is brought shall promptly proceed to inquire into the grounds of the arrest in a language understandable by the person arrested and shall, as soon as possible and in any event not later than three days from such appearance, either release the person arrested on such terms as he /she may deem fit or where the investigation into the commission of the offence for which he/she has been arrested has not been completed remand him/her in custody and may remand him/her in custody from time to time for a period not exceeding eight days at any one time, provided that the total period of such remand in custody shall not exceed three months from the date of the arrest on the expiration of which every person or authority having the custody of the person arrested shall forthwith set him/her free. Any decision of the judge under this paragraph shall be subject to appeal.

43. The Police shall satisfy the Court that all the conditions mentioned below exist:

- A certain offence has been committed for the commission of which the suspect was arrested;
- There is evidence that reasonably connects the suspect to the commission of the offence;
- The investigation of the case has not yet been completed. The Police must also summarize what other investigation work remains to be carried out;
- The detention of the suspect is considered necessary to avoid interference with the investigation process (influence of witnesses, destruction of evidence, escape etc.).

44. **Additionally, it should be noted that for persons detained for longer than 24 hours, efforts are made for them be placed in detention facilities with outdoor exercise areas.** These efforts are made so that all detainees held longer than 24 hours, have access to outdoor exercise for at least one hour per day. For this purpose, a letter, dated 16/07/2013 was sent by the Chief of Police noting that Limassol and Paphos Central Detention Centers as well as Pera Chorio Nisou, Lakatamia, Aradippou, Ayia Napa and Polis Chrysochous Detention Centers can be used for periods longer than 24 hours. The rest of the detention facilities must be used only for the detention of persons for a period up to 24 hours.

45. It is worth noting that in the above mentioned letter the Chief of Police gave instructions that all immigrant detainees must be transferred to Menoyia Detention Center,

unless they are going to be deported soon and no later than 48 hours. The detention of irregular migrants in police detention centers for more than 48 hours is only permitted in exceptional cases and with the permission of the Assistant Chief of Police.

46. Further to the above, the Human Rights Office continually reminds members of the Police on behalf of the Chief of Police, via circular letters and during the inspections conducted, to follow the instructions given on this issue.

47. The Police also pursue the following actions:

1. In cooperation with the relevant departments of the state, the Police is in the process of creating outdoor exercise areas in detention centers with large capacity (i.e. Kofinou, Ayia Napa, Lakatamia, Peristerona Detention Centers, new Morfou and Famagusta Divisional Headquarters);

2. The Police in cooperation with the relevant departments of the State installed televisions and dvd players in 5 detention centers that are used to detain large number of persons (Paphos, Polis Chrysochous, Ayia Napa, Lakatamia and Limassol Detention Centers). There is also a TV in Aradippou Detention Center;

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

4. The relevant Departments of the Police are constantly improving the conditions of detention, so that police detention centers nationwide meet Council of Europe standards.

48. The Cyprus Police has prepared, published and distributed to all Detention Centers a Personal Detainees File, in which all documents provided by the relevant legislation and Police Standing Order are placed. The file was created in order to facilitate Police members establishing a common practice and uniformity in the type of file used and the documents kept in this folder. The Personal Detainee's File is confidential and it is kept in a safe place at the Police Station, where only authorized persons have access.

49. Furthermore, the Personal Detainee's File is under the responsibility of the person in charge in the detention center, who conducts regular inspections in order to ensure that the file is kept diligently. After the release of the detained persons, the files are kept in a safe place with limited access. The files/records are destroyed according to a relevant Police Standing Order 3 years after the release.

50. Additionally, members of the Police were given instructions to complete the custody records (both paper and electronic) in a proper and diligent way. Data is recorded in both electronic and paper form with serial number and chronological order.

51. The Ombudsman has access to all registers, for inspection during her visits to various Police Detention Centers. Additionally, the Professional Standards Audit and Inspection Directorate, performs internal inspections in order to examine the degree of readiness, vigilance and adequacy of police members' response and to ensure that their actions comply with the provision of the Law and Regulations.

52. As regards the training of the members of the Police, it should be noted that specific persons (core instructors) have been trained in order to transmit their knowledge in this field.

53. The electronic registers database concerning detainees operates throughout the country.

54. In terms of medical investigations of allegations for ill treatment of a person under an asylum seeker procedure, the Ministry of Health is in close cooperation with other Competent Authorities and proceeded with the establishment of a specific procedure for medical and psychological evaluation of possible victims of torture. Respective specialized training was given to involved health professionals by the Ministry of Health in cooperation with the European Asylum Support Office on the Istanbul Protocol provisions.

55. As regards ill-treatment, the Chief of Police has issued circular letters informing Police members that the Attorney General, after having examined various criminal interrogations and administrative investigations concerning citizens' allegations of abuse and/or exercise of violence by Police members, gave instructions that when such allegations are reported, he must be informed promptly (within a maximum of 24 hours), so as to enable him to exercise his powers, which include the power to assign independent criminal investigators to examine the allegations. Furthermore, the Independent Authority for the Investigation of Allegations and Complaints against the Police which has competence to act ex-proprio motu, must also be informed within 24 hours.

56. Moreover, the Attorney General gave the following instructions as far as the procedures to be followed by the Police:

- The previous practice of the Police to perform administrative or criminal investigation of such cases is terminated;
- Whenever a person files a complaint of having been abused or subjected to violence by Police members, he/she must be examined by a forensic pathologist, who in turn must submit a relevant report on his/her findings. The report is then forwarded to the Attorney General;
- If such complaint is filed by a foreign national, the Head of the Aliens and Immigration Service is also informed, so that no deportation proceedings are executed.

57. As regards the use of handcuffs, according to the relevant Police Standing Order 5/39 "Handcuffs", the purpose of using handcuffs is to prevent detainees from escaping or avoiding potential harm to themselves, to others or to property. Handcuffs are used for security reasons, after an evaluation on a case by case basis, and only when deemed strictly necessary.

(1) Therefore, handcuffs are used on:

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

(2) Members may not use handcuffs:

- On juveniles, elderly, injured or disabled persons. The use of handcuffs in such cases shall be made if absolutely necessary, taking into account the following:
 - Aggressive behaviour of the arrested person,
 - The seriousness of the offense committed, and
 - Body type of the person arrested.
- Persons who are unable to escape or are unlikely to escape;
- On detainees or convicts transported on ships or airplanes, unless they are dangerously violent or their guard is not sufficient;
- On mentally disturbed persons, depending on the instructions of the police officer in charge for guarding this person, who takes into consideration the opinion of the attending physician/doctor, the chances of escape and when sure these will cause undue discomfort;
- On detainees/convicts/prisoners, who are in Court, unless the Court orders otherwise.

58. Relevant training is also conducted by the Emergency Response Unit of the Cyprus Police.

59. As regards ventilation and natural light it should be noted that the windows in the men and juveniles wing in Limassol Detention Center have been replaced with opening windows that provide natural light and ventilation. As regards the female wing it should be noted that a small opening window was installed in each cell that provides natural air.

60. As regards the common toilets and showers, cleaning and disinfection of the detention facilities takes place throughout the year. Lastly, every detainee is provided with appropriate bedding and pillows upon arrival.

C. Prison

General issues

61. Every request for transfer of convicted foreign nationals to their home countries for the completion of their sentence is immediately forwarded by the Prison Department to the Ministry of Justice and Public for further action. The detainee is kept informed on every stage of the procedure.

62. As regards Skype communications, Cyprus is of the very few countries in the world that provides the opportunity for convicted foreign nationals to contact their relatives and friends via Skype. It is an innovation for the prison industry not only at European level but also internationally. Given that 48% of the prison population are foreign nationals the use of Skype is deemed appropriate and is not counted against the allocation of ordinary visits. Furthermore, 2-3 hour visits are provided on a daily basis for the days that relatives or friends from abroad are in Cyprus. In addition, with regards to foreign nationals with financial scarcity, financial support and telecards for phone booths are provided.

63. Complaints/Requests are promptly considered and reasoned decisions are taken. Fully reasoned responses are communicated to the detainees the soonest possible and no later than one week. A system for receiving the registered complaints/requests has been established, recording the nature of the complaint/request, the date of receipt, the date and nature of the decision made, as well as the subsequent action taken.

Juvenile wing

64. Physical education (PE) and sports have an important place in the range of educational and recreational activities available in prisons. Physical Education includes structured programs introduced and developed under the direction of qualified specialists from the Cyprus Sports Organization. A gym is available to juveniles on a daily basis under the supervision of a specialist. A soccer table, and other games are available within the Juvenile wing.

65. In addition, the Mental Health Services of the Prison Department engage juveniles in rehabilitative programs, psycho-educational teams, and interventions tailored to the needs of juveniles.

66. Juveniles participate in several European and local projects as well as other programs and workshops which require active involvement by them; all of the above target exclusively young prisoners in order to strengthen their social and learning skills, so that their reintegration into society is smoother and their relapse is avoided. Some of the projects/programs/workshops/interventions for the period 2016-2017 are the following:

1. **Pebble (Prison Education Basic Skills Blended Learning):** A European program aimed at developing literacy, computer and math skills.
2. **Wide Wings Program:** Experiential workshops offered by volunteer postgraduate students of the University of Neapolis to young prisoners aimed at their personal development and socialization.
3. **From New to New:** a personal development program that ultimately aims at preventing addiction behavior.

4. **ViSC Program:** This program aims at developing the social, emotional and intercultural skills of young prisoners as well as dealing with unpleasant situations such as bullying and gangs within prisons.

5. **Education for sentenced Minors and Youth.** This European program aims at the assessment, support and treatment of juveniles. Through a psychological and educational approach it provides motivation for changing, it helps involvement in vocational training courses while at the time it strengthens autonomy (self-determination approach).

67. Juveniles have increased opportunities to join the dancing team, music band, and theatre team, or to attend lectures and watch films (analysis/discussion). Such activities play a very special role in their socialization and the rehabilitation process.

68. Young detainees have access to all training programs provided at the Prison Schools, and sports activities, like basketball and volley ball. Special emphasis is given to the standard curriculum of the school for obtaining a high school diploma. There is also the option to attend distance learning studies with partner universities.

69. Moreover, the Ministry of Justice and Public Order, in cooperation with the Commissioner for the Protection of the Rights of the Child, is in the process of preparing a bill, aimed at establishing structures and procedures to allow children who violate the law to be treated differently than adult offenders and to make the criminal justice system child-friendly.

70. The Bill provides, inter alia, for child decriminalization, while the criminal prosecution of a child will be enforced as the last resort, and only if other measures have been tried and failed. Child imprisonment will be forbidden and detention of children will be the ultimate measure.

According to this Bill, cases where defendants are children will be heard by the Family Court, which, due to its nature, will also act as Juvenile Court.

71. Notwithstanding any other provisions or penalties set forth in any other law relating to the commission of offenses, if the Court considers the child to be guilty of an offence, it may either simply reprimand the child and exempt it from any other measure or sentence or proceed further with the case and take one or more of the following decisions:

- (a) Conditional exemption or exemption;
- (b) Imposition of a fine and/or payment of compensation to the victim;
- (c) An order requiring the parent or guardian to pay compensation;
- (d) Parental supervision order;
- (e) Community surveillance enforcement order (includes community work only in relation to children aged 16-18, surveillance by a supervisor, day center order, etc.);
- (f) A detention order in a detention facility if they have reached the age of 16. This is the ultimate penalty.

72. No detention is imposed on a child for an offense committed which is more than one-half of the provided imprisonment, i.e. the penalty provided by the law defining the offence, and if the offence imposes a life sentence, then the maximum penalty shall not exceed ten years.

73. The information in the Daily Statement in the juvenile wing of Nicosia central prison about the number of juveniles was accurate. However, two of them were accommodated in other wings, following the instructions of the Mental Health Services. Specifically, one of them was in Close Supervision Unit with a capacity of 10 persons, and the other one was in Block 5 (pretrial detainees) with his relatives, who were imprisoned together.

74. All prisoners are responsible for their personal hygiene and that of the communal areas such as showers and toilets. Inspectors carry out at regular intervals checks for cleanliness, hygiene and good order. Furthermore, from admission day, all prisoners are

supplied with mattresses, pillows and bed linen for which they are responsible to keep clean, in good order and changed often enough.

Mental health wing (wing 10)

75. A box for complaints, placed by the Committee for the Rights of Mental Patients, is located next to the telephones and lockers, for the prisoners of wing 10 (special wing for the mentally ill), to enable easy and free access.

76. This is a close supervision unit for mentally ill detainees (usually suicidal detainees) and there is CCTV coverage in all areas except the hygiene area (showers and WCs). Note, that the Prison Department has no access to the complaints box.

Women's wing

77. The problem of overcrowding in the female prison has been permanently resolved since the operation of the new wing in female prison (block 3). Currently there are 36 female detainees. In the new wing, some of the double cells are occupied by 22 convicted females and the rest of the communal dormitories accommodate 3, 5 and 6 unconvicted females respectively. Therefore, there is no overcrowding anymore in the female prison.

78. As regards the practice of visits arranged on the occasion of religious festivals, this practice is not limited only to Christian celebrations; it also extends to other religions (Muslims, Evangelicals), following their requests.

79. Appointments with a gynaecologist for the detainees are arranged earlier than the rest of the women in the community, and in urgent situations appointments are arranged immediately. The rest of the appointments with the gynaecologist are arranged within one-month period maximum. Our female prisoners are provided with gender-specific health services (i.e. breast cancer screening, pap test) equivalent to those offered to women in the community.

D. Undocumented migrants in detention

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

- Material conditions (adequate lighting, ventilation, air-conditioning, call-bell, access to water and food, provision of personal hygiene products, etc.);
- Communication and visits with relatives, friends, lawyers, NGOs, Ombudsman, UNHCR, etc.;
- Sending and receiving letters;
- Telephone communication;
- Nutrition;
- Access to lawyer and doctor;
- Interpretation;
- Access to outdoor exercise, etc.

81. In addition, over the past few years the following actions were also taken:

- *Reduction of capacity*: the Police, in cooperation with the responsible governmental departments, has reduced the capacity in the multi-occupancy cells of Menoyia Detention Center to four persons instead of eight. The current capacity of Menoyia Detention Center is 128 persons in contrast with 256 persons in 2013.
- *Painting of the wings*: the 4 wings were painted in a colour friendly to the detainees and paintings were placed on the walls.

- *Educational courses*: the Police, in cooperation with the Ministry of Education and Culture, provides detainees at Menoyia Detention Center with education courses i.e. gymnastics, painting, choir. The main objective of these courses is to provide purposeful activities and cultural development to the detainees. These activities were chosen by the majority of the detainees, after filling a questionnaire prepared by the Police in order to identify their needs.
- *Funding for Menoyia Detention Center*: the Police has obtained funding (173,000 euros) from the Asylum, Migration and Integration Fund for the Menoyia Detention Center. This amount will be used to further improve the detention conditions at Menoyia Detention Center i.e. painting of the four wings in a friendly colour, installation of computers and outdoor exercise equipment, purchase of other means of entertainment (balls, board games, etc.). It is worth noting that the Police have already proceeded with the purchase of 2 ping pong tables, 2 soccer tables, 16 computers, 33 balls, 29 books, handicraft, personal exercise equipment and table games. At the end of 2017, exercise equipment will also be installed in the outdoor area.
- *Cooperation with the Cyprus Red Cross*: the Cyprus Red Cross in cooperation with the Police implemented a Program, funded by the Norwegian Funds, which provided psychosocial support to the detainees of Menoyia Detention Center and their families.
- *Outdoor exercise*: Detainees can use the outdoor exercise area for 3 hours daily during the winter months and 4 hours daily during the summer months, where they can play basketball, volleyball, football, etc.
- *Communication*: the Police installed internet, in order to enable the detainees to have better contact with the outside world. Additionally, more regular visits are allowed and also the use of mobile phone is allowed 24 hours a day.
- *Books, games and TV*: every wing is equipped with a TV, books and games.

82. Detainees are no longer locked in their cells during sleeping hours. The cells are open at all hours.

83. The Police is in the process of applying for funding for the employment of a social worker and a physical educational trainer.

84. For the authorities of the Republic of Cyprus detention is always a measure of last resort, since priority is given to voluntary return and use other measures as alternatives to detention. Furthermore, we would like to note that undocumented migration is not a criminal offence, however, when an undocumented migrant is detected, in accordance with the current administrative policy, he/she is detained for identification purposes. At first they are held for 24 hours and if it not possible to identify these persons through the available documents, or the assistance of their country's consuls, then, in some cases, and always on an ad-hoc basis, the authorities might issue orders of detention and expulsion against them. In these cases, the detention period is 6 months according to the national law, with very few exceptions regarding cases of migrants who refuse to cooperate with the authorities and the law provides that they can be detained for a maximum period of 18 months. We would also like to note that detainment is not equivalent to imprisonment, since it is a measure implemented against persons who do not possess the right to stay in Cyprus and are in the process of repatriation.

85. Cyprus always implements the measure of detention as a last resort and in these cases immigrants are held in the detention center of Mennoyia, a center especially designed and built with financial assistance from the EU for migrants who are in the process of repatriation.

86. Each detainee is informed of his/her rights, without delay and in a language which they understand. Moreover a leaflet of their rights and communication rights, according to the Law and Regulations for the Establishment and Regulation of Premises of Irregular Immigrants is handed out to detained persons asking them to sign a statement attesting that they have received a copy of their rights, so as to avoid any discrimination practices. Also

the leaflet is placed in a prominent position inside the detention centre so that the detainees have access to it at all times.

87. The leaflet was recently amended with the inclusion of the complaints procedure and is available in 17 languages (Greek, Turkish, English, Russian, Romanian, Bulgarian, Sinhalese, Polish, Chinese, Iranian, French, Arabic, Filipino, Georgian, Latvian, Bengali and Vietnamese).

E. Athalassa mental health hospital

88. The building of the Athalassa Psychiatric Hospital is currently under renovation. Based on the initial planning most of the wards are expected to be renovated by the end of the current year.

89. There are no forensic hospitals in Cyprus, so when involuntary hospitalization in the Psychiatric Hospital of Athalassa is needed, each patient, prisoner or not, is treated equally, according to the mental health act.

90. However, the suggestion of the Subcommittee is taken under consideration.

91. All Patients are informed of their rights in the framework of the existing legislation. However, it has been observed, that rarely they make use of them. In the case of involuntary hospitalization, this takes place in accordance to relevant legislation.

F. Children's home in Larnaca

92. Children aged 5-12, under the care of the Director of Social Welfare Services are accommodated in Children's Homes. Children aged 13-18, under the care of the Director of Social Welfare Services, are accommodated in Children's Homes for adolescents and are separated according to gender. Currently there are no unaccompanied minors staying in these Children's Homes.

93. In practice, two children are accommodated in each room, according to the needs and wishes of each child. More children may stay in one room due to specific circumstances (i.e. siblings).
