



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Committee against Torture

**Information received from Cyprus on follow-up to
the concluding observations on its fifth periodic
report***

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* The present document is being issued without formal editing.



I. Introduction

1. The present document provides information on the steps undertaken by the Republic of Cyprus to implement the recommendations contained in paragraphs 11 (b), 19 (b), and 33 (c) of the concluding observations on the 5th Periodic Report of Cyprus (2019), (CAT/C/CYP/CO/5), pursuant to paragraph 46, thereof, hereinafter the “concluding observations”.
2. Like the 5th Periodic Report (2018) (CAT/C/CYP/CO/5), hereinafter the “Periodic Report” and the replies of Cyprus to the list of issues prior to its Periodic Report (2018) (CAT/C/CYP/QPR/5), the present document was prepared by the Law Commissioner of the Republic who pursuant to a Decision of the Council of Ministers, is entrusted with ensuring compliance of Cyprus’ reporting obligations under the international human rights instruments. All the information for the preparation of the present document was provided by the Ministry of Justice and Public Order (MJPO), as the competent Ministry for the purposes of the CAT, through the Police having competence for the specific information needed (i.e. measures to combat police abuse). Furthermore, the Ministry of Labor, Welfare and Social Insurance and the Ministry of Interior were also consulted on specific matters (i.e. asylum seekers migrant women domestic workers).

II. Information on the steps undertaken to implement the recommendations contained in paragraphs 11 (b), 19 (b) and 33 (c)

A. Fundamental legal safeguards

Follow-up information relating to paragraph 11 (b) of the concluding observations (CAT/C/CYP/CO/5)

3. The Ministry of Justice and Public Order and Cyprus Police have undertaken serious efforts to combat ill-treatment and use of force by members of the Police. Towards this, a number of legislative, administrative or other preventive measures have been adopted.
4. Effective procedures and safeguards are in place in detention centers. Key safeguards including prompt access to a lawyer, a doctor, a judge, the right to information, complaints procedures, well-kept registers and effective monitoring mechanisms have been implemented. Education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel and other persons who may be involved in the custody, interrogation or treatment of detainees. Allegations of torture and other forms of ill-treatment are investigated independently, prompt, thorough, and impartial.
5. Torture or other inhuman or degrading treatment is absolutely prohibited during Police Investigations and there is zero tolerance to any of such incident. If a police officer behaves in a way that amounts to ill-treatment or abuse is facing criminal investigation and criminal and disciplinary charges. Investigatory activities are conducted lawfully respecting all existing procedural and substantial safeguards.
6. As mentioned in previous reports, the Police has undertaken both training and briefing of Police Officers on issues related to treatment of detainees, ill-treatment and use of force.

Circulars

7. Circulars are sent on a regular basis to all Police members concerning protection of fundamental human rights and prevention of ill-treatment. Circulars and Police Provisions issued by the Chief of Police are binding, they have a significant impact and aim to give guidance to all members of the Police, in order to prevent violence and raising awareness. In particular, a number of circular letters were sent in 2019 and 2020, regarding zero tolerance to ill-treatment, rights of arrested / detained persons, handling of detainees, etc.

Training

8. The Cyprus Police Academy, in order to further upgrade the training and education of Police officers and develop a culture of respect of human rights and human dignity has enriched the content of its training programmes and included lectures concerning: Fundamental Rights and Liberties, Protecting Human Rights, Prohibition of torture and ill treatment, Communicating in a Multicultural Society, Racial Discrimination, etc. These lectures are included in the Basic Training Programme for the Recruit of Police Officers, the advanced courses such as Sergeants' Course, Inspectors' Course, Chief Inspectors' Course, as well as at specialized courses.

9. In 2019, the Cyprus Police Academy conducted a total of 58 training programs on issues related to the protection of human rights, which were attended by 1057 members of the Cyprus Police. In addition, during the year 2020, 13 training programs related to human rights were organised so far, which were attended by 357 members. It is worth noting that, in comparison with previous years the number of training programmes during the academic year 2019-2020, was unavoidably reduced due to the pandemic (Covid-19).

10. The training programs focus mainly on the following topics:

- Combating Xenophobia and Racism – Respect of Human Rights;
- Religious and Cultural Differences;
- Human Rights – Prevention of Torture;
- Social Groups, Ethnic Groups, Behavior / Combating Racism;
- Protection of Human Rights by the Prosecution Authorities;
- Legislation / Investigation of Offences related to Racism and Racial Discrimination;
- Torture and other Forms of Cruel, Degrading and Inhuman Treatment;
- Rights, Support and Protection of Victims of Gender-based Violence;
- Law Enforcement with Respect for Human Rights and Dignity of Persons with Disabilities;
- Police Ethics and Corruption;
- Police Culture and Subculture;
- Professional Police Behavior;
- Policing in a Multicultural Society;
- Policing and Use of Force by the Police.

Folders on Human Rights and Racism

11. The folders on Human Rights and Racism are constantly updated and circulars, conventions, legislation, reports and manuals on good practices are uploaded in order to inform on a regular basis all Police members about issues concerning human rights and treatment of detainees.

Memorandum of Understanding

12. In the context of the Memorandum of Understanding, the Cyprus Police cooperated with a number of contracting non-governmental organizations to promote actions envisaged in the memorandum such as visits to Police detention centers or at Menoyia Detention Centers.

Inspections / visits to detention facilities

13. Police Detention Centers as well as Menoyia Detention Center are often visited / inspected by national organizations (Ombudsman, Cyprus Red Cross, Parliamentary Committee for Human Rights, KISA) as well as International and European Organizations, Committees and NGOs (CPT, SPT, United Nation High Commissioner for Refugees-UNHCR, Amnesty International etc.), which are responsible for the monitoring of human

rights. These Organizations are provided with all the necessary facilities and information to carry out their visits. In particular, the Ombudswoman in 2019 – 2020, visited four (4) detention centers (Ayia Napa, Paphos, Lakatamia and Kophinou) and submitted relevant reports. Additionally, a number of NGOs visited detention centers.

14. Moreover, if a person believes that he/she has been discriminated, ill-treated, or his / her human rights have been violated by the Police, he/she has the right to file a complaint to the Independent Authority for the Investigation of Allegations and Complaints Against the Police (IAIACAP), according to *the Police (Independent Authority for the Investigation of Allegations and Complaints Against the Police) Law, 2006, [L.9 (I)/2006]*. The Authority investigates in the form of criminal investigation, complaints against members of the Police in relation to the three following categories:

- Corruption, bribery or unlawful enrichment;
- Violation of human rights;
- Actions which constitute favourable treatment or undermine the Police repute.

15. The IAIACAP apart from complaints can also carry out an investigation ex proprio motu into allegations of human rights violations which come to its knowledge. The Attorney General of the Republic and the Minister of Justice and Public Order may also assign to the IAIACAP in writing the investigation of complaints submitted to them or allegations which come to their knowledge in any manner whatsoever.

16. If the investigation discloses that a criminal act may have been committed is evaluated by the Attorney General who will decide whether to proceed with prosecution. If a disciplinary act is disclosed, the investigation file is transmitted to the Chief of Police for disciplinary action.

17. Other independent authorities for the investigation of violation of human rights is the Ombudswoman and the Commissioner for Children's Rights if the allegation concerns a child, both aiming at the objective investigation of complaints, as well as the reduction and elimination of any inappropriate behaviour by members of the Police.

18. The Attorney General is informed promptly (within maximum of 24 hours), about any allegations of abuse and / or exercise of violence by Police members, so as to enable him to exercise his powers, including the power to assign independent criminal investigators to examine the allegations. Furthermore, the IAIACAP must also be informed, within 24 hours.

19. Moreover, the following procedures are 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 doctor, who submits a relevant report on the condition of the said person;
- 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 can be executed.

B. Judicial review with suspensive effect for asylum seekers and irregular migrants

Follow-up information relating to paragraph 19 (b) of the concluding observations

20. The Government has recently enacted a package of Laws which aim to tackle, among other issues, the time limits for access to Court. These are the following:

(a) *The 15th Amendment of the Constitution Law, 2020 [(L.135(I)/2020)]* enacted on 6.9.20, concerns the time limit for filing of a recourse against an administrative decision (including a negative asylum decision) which is 75 days unless there is a law providing otherwise. Before this amendment, the time limit of 75 days was without exceptions;

(b) *The Establishment and Functioning of the Administrative Court of International Protection (Amendment) (No. 2) Law, 2020, [(L.141 (I) 2020)]*, was enacted on 12.10.2020. It introduces new time limits before the Administrative Court of International Protection, and distinguishes between the ordinary and the accelerated procedure regarding an asylum application. Specifically, it provides on the action (recourse) against the final decision of the Asylum Service to be launched within 30 days for the ordinary procedure, and 15 days for the accelerated procedure. The time of appeal against a decision of the Administrative Court of International Protection (in either procedure) before the Supreme Court was also amended from 42 days to 14 days. These new stricter time limits intend to ensure that unfounded or inadmissible applications for asylum are processed faster, and distinguish between those who are or not eligible for the international protection status. Subsequently, all the rights provided for in our national and regional framework about applicants for international protection are respected. This includes the right to an effective remedy;

(c) The amendments provide for limiting the time, for an asylum seeker to file for a resource, in the case of a rejected application. More specifically, *the Refugees (Amendment) Law 2020, [(Law 142(I)/2020)]*, enacted on 12.10.2020, gives the Head of the Asylum Service the power to issue a decision of return or removal or deportation order in a single administrative act at the same time of issuing a rejection decision on an asylum application. The order will be suspended until a final decision by the Court is issued;

(d) The amendments also concern the *Aliens and Immigration (Amendment) Law, 2020, [(Law 143(I)/2020)]*, enacted on 12.10.2020 which gives the power to the Senior Immigration Officer (the Minister of Interior) instead of the Director of Civil and Migration Department, to issue deportation decisions and or voluntary return decisions of asylum seekers at the same time as the rejection decision for the international protection in a single administrative act. The Senior Immigration Officer can delegate its powers of issuing the said orders and decisions to the Head of the Asylum Service. As mentioned above, these orders are suspended until the final decision of the Court.

21. This will further improve the efficiency of the system as one Court (Administrative Court for International Protection “ACoIP”) will deal and examine both the negative decision of the Asylum Service and the deportation or detention order, unlike the current system of the two Courts (Administrative Court and ACoIP) that had to decide on the same applicant and examine the same reasoning thus causing more delay in the whole process.

C. Early identification of torture victims, and medical examinations

Follow-up information relating to paragraph 33 (c) of the concluding observations

22. In order to improve the screening system for early identification and assistance of vulnerable asylum seekers, a standard referral form was developed by the Social Welfare Services, in consultation and cooperation with all members of the Multidisciplinary Coordinating Group. This form was introduced in 2019, to improve the identification and referral procedures of potential victims of trafficking and exploitation into the National Referral Mechanism, including screening of vulnerable asylum seekers in the Reception Center. Since implementing this improved screening method, a noticeable increase of referrals has taken place.

23. Furthermore, with the aim of better identifying and continuously supporting vulnerable asylum seekers, the Ministry of Labor, Welfare and Social Insurance has secured direct funding from the European Commission under the Asylum, Migration and Integration Fund’s Emergency Assistance Folder for a project entitled «*Strengthen the existing structures and operational capacity of the Social Welfare Services to cope with the rapidly increasing numbers of asylum seekers and unaccompanied minors*». Within this framework, 42 Social Welfare Officers were hired in October 2020 and a number of them were placed at the Reception Centers (Pournara and Kofinou) to cover asylum seekers needs, including identification and monitoring vulnerable people.

24. Following the Recommendation of the Committee, the Asylum Service proceeded with taking steps in ensuring that persons belonging in vulnerable groups were promptly identified, treated and provided support, according to each particular needs. The early identification system is operating in accordance to the standards and guidelines provided by the EU.

25. Accordingly, Cyprus has proceeded with the drafting of a separate Standard Operating Procedure (SOP), for the identification of victims of torture, providing thus an emphasis on the vulnerabilities of torture within the vulnerable identification and treatment mechanism. To this regard, EASO's vulnerability officers are deployed to the first reception center of Pournaras, who work in cooperation with the asylum vulnerability officers. To this regard, we would like to add that UNHCRs officers are also present.
