



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

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**Committee against Torture**

**Consideration of reports submitted by States  
parties under article 19 of the Convention  
pursuant to the optional reporting procedure**

**Fourth periodic reports of States parties due in 2004**

**Cyprus\* \* \* \* \***

[30 November 2012]

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\* The third periodic report of Cyprus is contained in document CAT/C/54/Add.2; it was considered by the Committee at its 536th and 539th meetings held on 15 and 18 November 2002 (CAT/C/SR.536 and 539). For its consideration, see the Committee's conclusions and recommendations (CAT/C/CR/29/1).

\*\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document has not been edited.

\*\*\* Annexes can be consulted in the files of the Secretariat.

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## List of abbreviations

ACPCDV	Advisory Committee for the Prevention and Combating of Domestic Violence
CAT	Committee against Torture
CEPOL	European Police College
CPA	Cyprus Police Academy
CPT	Committee for the prevention of Torture of the Council of Europe
EU	European Union
FRA	European Union Fundamental Rights Agency
IAIACAP	Independent Authority for the Investigation of Allegations and Complaints against the Police
ICMPDS	International Centre for Migration Police Development
ILO	International Labour Organization
MCGCTHB	Multidisciplinary Coordinating Group for Combating Trafficking in Human Beings
MFA	Ministry of Foreign Affairs
MIGS	Mediterranean Institute of Gender Studies
MJPO	Ministry of Justice and Public Order
MLSI	Ministry of Labour and Social Insurance
MOEC	Ministry of Education and Culture
MOH	Ministry of Health
MOI	Ministry of Interior
NAPATHB	National Action Plan Against Trafficking in Human Beings
NAPPCVF	National Action Plan on the Prevention and Combating of Violence in the Family
NAPPHFV	National Action Plan on the Prevention and Handling of Family Violence
NMWR	National Machinery of Women's Rights
OCTHB	Office of Combating Trafficking in Human Beings
PDVCAO	Police Domestic Violence and Child Abuse Office
PHRO	Police Human Rights Office
SWS	Social Welfare Services

## Legislation

1. The Convention against Torture and Other Cruel, Inhuman or Degrading treatment or Punishment (Ratification) Law, 1990, [L. 235/90, as amended]
2. Optional Protocol of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Law, 2009 [L.2(III)/2009]
3. Criminal Code, CAP.154
4. Constitution of the Republic of Cyprus
5. The Rights of Persons Who Are Arrested and Detained Law, 2005, [L.163 (I)/2005]
6. Law for the Establishment and regulation of premises of Illegal Immigrants, 2011, [L. 83(I)/2011]
7. The Prisons Law, [L.62(I)/96, as amended]
8. The Violence in the Family (Prevention and Protection of Victims) Laws, 2000, [L.119(I)/2000, as amended]
9. The Police Law, 2004, [L.73 (I)/2004, as amended]
10. The Police (Independent Authority for the Investigation of Allegations) Law, 2006, [L.9(I)/2006]
11. Psychiatric Treatment Law [L.77(I)/1997,as amended]
12. The Establishment and Regulation of Private Employment Agencies and Related Matters, 2012, [L126(I)/2012]
13. The Constitution of Cyprus
14. The Criminal Code, Cap.154,
15. The Equal Treatment in Occupation and Vocational Training Law [L.205(1)/2002, as amended].
16. The Combating of Trafficking and Exploitation of Human Beings and the Protection of Victims Law, 2007, [L.87(I)/2007, as amended]
17. The Refugees Laws, 2000, [L.6(I)/2000, as amended]
18. The Suppression of Crime Law, 1995 [L.3(I)/1995],
19. The Prevention and Suppression of Money Laundering Activities Law 1996, L.61(I)/1996,as amended]
20. The Law against Terrorism,2010 [L.110(I)/2010]
21. The Protection of the Privacy of Telecommunications Law, 1996 [L.92(I)/1996],
22. the Protection of Witnesses Law, 2001, [L.95(I)/2001],
23. Law providing for the Acquisition, Possession, Transfer and Import of Firearms and Non-firearms and Related Issues Law, 2004, [L.113(I)/2004].
24. The Aliens and Immigration Law, CAP.105
25. Regulations for the Establishment and regulation of premises of Illegal Immigrants, R.161/2011
26. Prisons (General) Regulations of 1997 -2005 (P.I. 121/97-307/2005).

## I. Introduction

1. The combined fourth and fifth periodic report of Cyprus on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (present report) was prepared in accordance with the new optional reporting procedure adopted by the Committee Against Torture (CAT) at its thirty-eighth session in May 2007 (A/62/44, paras. 23 and 24) and the list of issues prior to the submission of the fourth periodic report of Cyprus (list of issues), adopted by CAT at its forty-fourth session in April-May 2010 (CAT/C/CYP/Q/4). It addresses the list of issues providing specific information on the implementation of articles 1 to 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention), and the conclusions and recommendations of CAT in its consideration of the third periodic report of Cyprus (previous report). The present report covers the developments to combat torture and other cruel, inhuman or degrading treatment or punishment during the period 2001-2011. The present report is accompanied by an updated core document.

2. The present report has been prepared by the Law Commissioner of Cyprus, who, pursuant to a Decision of the Council of Ministers, is entrusted with ensuring compliance by Cyprus with its reporting obligations under international human rights instruments. It was compiled on the basis of information and data provided by the Ministries and Services having competence for the specific matters. Information was also obtained from the Ombudsman, the Police and the Independent Authority for the Investigation of Allegations and Complaints against the Police (IAIACAP).

3. During the period under review, a number of initiatives and measures have been taken including the National Action Plan Against Trafficking in Human Beings (NAPATHB), (2010-2012), and the National Action Plan on the Prevention and Handling of Family Violence (NAPPHFV) (2010-2013). Furthermore, a number of relevant Laws have been enacted such as: The Rights of Persons who are Arrested and Detained Law, 2005 [L.163 (I)/2005], The Combating of Trafficking and Exploitation of Human Beings and the Protection of Victims Law, 2007 [L.87 (I)/2007], the Police (Independent Authority for the Investigation of Allegations and Complaints) Law, 2006 [L.9(I)/2006] and the Law and Regulations for the establishment and regulation of premises of Illegal Immigrants (L. 83(I)/2011 and Regulations 161/2011).

4. The Government of the Republic of Cyprus regrets that due to the continuing illegal occupation of 36,2 per cent of its territory by Turkish military forces, it is unable to ensure full realization of its anti-torture policies in the whole of its territory. In particular, it is deprived of its ability to apply anti-torture laws, policies and programs to those living in the part of the country under Turkish occupation. Due to the situation described above, no reliable information and data are available regarding the enjoyment of the relevant rights by the Cypriot population living in the occupied area. Consequently, all information and data presented in the present report concern the Government-controlled areas.

5. The present report follows the structure of the list of issues addressing each article and sub article in the form these are presented in the above list.

## II. Progress on the implementation

### Articles 1 and 4

#### Reply to the issues raised in paragraph 1 of the list of issues (CAT/C/CYP/Q/4)

6. The Convention against Torture and Other Cruel, Inhuman or Degrading treatment or Punishment (Ratification) Law, 1990, [L. 235/90, as amended], attributes “torture” the

same meaning given to it by the Convention and provides for penalties for acts of torture, ranging from imprisonment of 3 years to life imprisonment.

7. Section 3 of the above Law, provides that every person who submits/subjects another person to torture is guilty of a criminal offence and is liable to imprisonment for 3 years (s.3(1)(a)). In the event that he/she causes serious bodily harm or uses means or methods of systematic torture, he/she is liable to imprisonment for 10 years (s.3(1)(b)). If the person who causes the torture is a public officer or a person acting in an official capacity, the above penalties are increased to imprisonment for 5 years and 14 years respectively (s.3(2)(a and b)). If, as a result of torture, death occurs, the person who inflicted the torture is liable to imprisonment for life (s.3(3)).

8. Section 5 provides that, each person who subjects another person to cruel, inhuman or degrading treatment or punishment is guilty of a criminal offence and is liable to imprisonment not exceeding 2 years(s.5(1)(a)). If such treatment has resulted in bodily harm then that person is liable to imprisonment not exceeding 3 years (s.5(1)(b)). If the person causing such treatment is a public officer or is acting or appears to be acting in an official position, then a sentence up to 4 years imprisonment may be imposed (s.5(2)(a)). If such treatment results in bodily harm then the sentence of up to 7 years imprisonment may be imposed (s.5(1)(b)).

9. Section 6 provides that if, after a medical examination it is proven that a person arrested or is under police custody has been abused by a member of the police force, then the officer in charge of the police station where that person was held is guilty of a criminal offence and is liable to a maximum of 2 years imprisonment (s.6(3)(a)) or if such abuse constitutes torture to sentence up to 4 years (s.6(3)(b)) and if that abuse constitutes inhuman or degrading treatment, a sentence up to 3 years imprisonment may be imposed (s.6(3)(c)).

**Reply to the issues raised in paragraph 2 of the list of issues.**

10. According to the Criminal Code, CAP.154 (Sections 20-25), ‘instigation, consent, complicity and participation’ in offences are criminally punishable and a person is guilty of an offence of the same kind and is liable to the same punishment as if he had himself done the act or made the omission. Also, any person who becomes an accomplice after the felony has been committed, is guilty of a felony and is liable, if no other punishment is provided, to imprisonment for 3 years (s.24) and in case of misdemeanor, is guilty of misdemeanor (s.25).

11. ‘Attempt’ is provided for in sections 366-370 of the Criminal Code, CAP.154. The definition of attempt is given in Section 366: ‘when a person, intending to commit an offence, begins to put his intention into execution by means adapted to its fulfillment, and manifests his intention by some overt act, but does not fulfill his intention to such an extent as to commit the offence, he is deemed to attempt to commit the offence’. Section 367 provides that any person who attempts to commit a felony or misdemeanor is guilty of an offence, which, unless otherwise stated, is a misdemeanor. Section 368 provides that any person who attempts to commit a felony of such a kind that, if a person who actually commits it is convicted of it, is liable to imprisonment for a term of 10 years or more, with or without other punishment, is guilty of a felony, and is liable, if no other punishment is provided, to imprisonment for 7 years. Section 369 provides that every person who, knowing that a person designs to commit or is committing a felony, fails to use all reasonable means to prevent the commission or completion thereof, is guilty of misdemeanor. Section 370 provides that any who incites or attempts to induce another person to commit an offence whether such other person consents to commit the offence or not is guilty (a) of a felony, if the offence in question is a felony, and such person is liable, if no other punishments is provided, to imprisonment for 7 years or if the greatest punishment to which a person convicted of such felony is liable is less than imprisonment for 7 years, then to such lesser punishment; (b) of a misdemeanour, if the offence in question is a misdemeanour, and such person is liable, if no other punishments is provided,

to imprisonment for 2 years or if the greatest punishment to which a person convicted of such felony is liable is less than imprisonment for 2 years, then to such lesser punishment.

12. An order from a superior officer or a public authority can never be invoked as a justification of torture, as this is both illegal and unconstitutional: Article 8 of the Constitution of the Republic of Cyprus (the Constitution) is adamant in that: “No person shall be subjected to torture or to inhuman or degrading punishment or treatment”.

## **Article 2**

### **Reply to the issues raised in paragraph 3 of the list of issues**

13. The Rights of Persons Who Are Arrested and Detained Law, 2005, [L.163 (I)/2005]), The Police Law, 2004, [L.73 (I)/2004, as amended], the Law and Regulations for the establishment and regulation of premises of Illegal Immigrants (L. 83(I)/2011 and Regulations 161/2011), the Prisons Law, 1996, [L.62(I)/1996, as amended] and Prisons (General) Regulations of 1997 (P.I. 121/97) expand the constitutional provisions safeguarding the rights of persons arrested and being held in custody.

14. The above Laws and Regulations provide that persons taken into police custody, either on criminal charges or in violation of the Aliens & Immigration Law, CAP.105, are expressly informed of their rights without delay and in a language which they understand. From the very outset of their detention, they are immediately handed out a leaflet informing them of their rights, and they are subsequently asked to sign a statement attesting that they have received a copy of the leaflet. The leaflet is also placed inside the detention centre so that the detainees can be informed of their rights at any time and it has been translated and is available in ten languages (Greek, English, Turkish, French, Russian, Mandarin, Arabic, Farsi, Bulgarian and Rumanian).

15. In general, every detainee has the right to be respected and not to be subjected to torture or to inhuman or degrading punishment or treatment or to any physical or psychological or mental violence (section 19, L.163(I)/2005). A person who violates provisions of this Law, is subject to a criminal or disciplinary offence (s.33 and 34) and every person whose rights afforded by this Law are violated, can claim damages (s.36).

16. Explicit reference is made to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Ratification) Law, 1990, [L. 235/1990, as amended] which mirrors the Convention.

### **Communication rights with a lawyer/ family/embassy**

#### *Upon arrest*

17. According to sections 3, 4, 5, 6, and 10 of Law L.163 (I)/2005 above, a person who is arrested by the Police has the right to a telephone call to a lawyer of his/her choice, a family member or any other person of his/her choice, immediately after his/her arrest. However, if there is reasonable suspicion that the exercise of the right to communicate, immediately after the arrest may (a) lead to destruction or concealment of evidence connected with the investigation of the offence, (b) prevent the arrest or interrogation of another person in connection with the offence or lead to his/her escape, (c) lead to the commission of another offence or to death or bodily harm of any person or, (d) harm the interests of the security of the Republic or the constitutional or public order or lead to obstruction of the administration of justice, this right can be suspended for a maximum of 12 hours (s.3). A delay in the exercise of the right of communication of a detainee with a person of his/ her choice and vice versa, should be recorded by giving full explanation of the reasoning for such a decision, in line with the provisions of the Police Standing Order 5/3. In case of arrest of a mentally impaired person, a member of the Police must notify a family member (s.4). In the case of an alien, in addition to the rights provided for in

sections 3-4, he/she has the right to communicate with his/her Embassy or the Ombudsman (s.6). In case of a person under 18 years, a member of the Police may also communicate with the parents/guardians of this person and, if it is in the best interests of the person, the Social Welfare Services (SWS) are notified. Where the person arrested is either under 18 years or is mentally impaired, the interrogation is conducted in the presence of a lawyer (s.10).

#### *During detention*

18. These rights are provided for in sections 12-18 of Law L.163(I)/2005. Every detainee has the right to have confidential meetings with his/her lawyer at any given time. For a detained person who is under 18 the parents/guardians of the detained have the right to attend these meetings. When the detained person who is either an alien or cannot communicate with the lawyer in a language in which he/she understands, a translator can be present (s.12-14). Every detained person has the right to send/receive letters. Members of the Police may not open or interfere in any way with these letters unless there is reasonable suspicion that an illegal object is enclosed in them, or the content of the letter puts the prison security or other detainees at risk, or is likely to prevent or interfere with detection of any other offence. In such case, the letter is opened by a member of the Police, in the presence of the detained person (s.15). Regarding visitations by family members/ any other person, every detainee may meet with family members and persons of his/her choice, for up to 1 hour/day at a designated area of the detention centre in the presence of a member of the Police. An alien detainee may meet with representatives of his/her Embassy or of Human Rights Organizations (s.16).

#### **Medical examination**

*Law L.163(I)/2005.*

19. The right of access to a doctor is safeguarded in sections 23-28 of Law L.163(I)/2005. According to section 23, every detainee has the right, at any given time while in detention, to have access to or given treatment by a private doctor of his/her choice- in which case the fees are paid by the detainee-, or, if he/she does not wish to do so, he/she may be taken to a doctor at a public hospital –free of charge. These rights must be made clear, in a language they understand to all detainees from the very outset of their detention (s.24). For this purpose a relevant leaflet: “Notice to Persons in Custody”, is handed out to all detainees from the very outset of detention and they are then asked to sign a declaration that they have read and understood their rights. Every medical examination is carried out in a private place without the presence of any Member of the Police, unless there is reasonable suspicion that the physical integrity of the doctor is in danger (s.27(1)). In the case of a minor, the parents or guardians have a right to be present and in the case where the detainee is an alien or he/she cannot communicate with the doctor in a language he/she understands, a translator is provided (s.27(2)and(3)). The findings of every medical examination which concern exercise of psychological and/or physical violence by a Member of the Police or any other person must be duly reported by the Doctor (s.27(4)). The Director of Prisons is under strict obligation to ensure that the rights of Prisoners are protected and exercised (s.28 and 29). However, in case a detainee encroaches his right to medical examination/treatment, he/she is guilty of a felony and is liable to imprisonment of up to 3 years or fine up to 5,125.80 Euros (s.30).

*Prisons (General) Regulations of 1997 -2005 (P.I. 121/97 to 307/2005)*

20. Sections 62-85 of the Regulations above, provide that every prisoner undergoes all the necessary medical and other examinations for the diagnosis of his physical and mental health and most especially for the diagnosis of any possible physical or mental illness with the aim of providing him with the necessary medical treatment and of determining the mode of his treatment and the level of his capacity for work as well. The results of the examination of each newly introduced prisoner as well as the results of any re-examination

and reclassification are entered in a special health report in the personal file of every prisoner, and they are also recorded in a Special Register of Classification. The Classification Committee decides what type of work will assign the prisoner, taking into account his special health report, the requirements of every work section in terms of personnel, the types of work offered in prison, and the work skills of each prisoner.

21. Prisoners who need special therapeutic treatment are referred to a government hospital or a governmental health institution or to a specialist government doctor. The reference for examination, treatment or medical pharmaceutical treatment, is carried out after a report of the medical officer in which detailed reasons are given for the necessity to refer him. The report of the medical officer accompanies the referred prisoner.

22. The examination is carried out with the approval and in the presence of the Medical Officer during his working hours in Prison according to the rules of medical ethics. In case the examination of a prisoner cannot take place in prison, the Medical Officer refers the prisoner for examination to the office or clinic of the private doctor, while the private doctor is obliged to file a full report to the Prison's Medical Officer concerning the prisoner's state of health. In such a case, the private doctor acts as a consultant doctor, while the overall responsibility for the treatment and therapy of the prisoner is borne by the Medical Officer. In case the necessary therapeutic treatment of the prisoner cannot be provided for by the government medical services, the medical officer may refer the prisoner to a private clinic after a relevant approval of the Director of Prisons and in accordance with the terms and conditions prescribed by him in each case. In exceptional circumstances the medical officer, after the relevant approval of the Director of the Prisons, may refer an ill prisoner to a private clinic, pursuant to a request of the prisoner himself, provided that the medical expenses will burden him. The conditions are that the private clinic must be within the boundaries of the greater city area of Nicosia, serious reasons of security which would render the transfer of the prisoner to a private clinic unnecessary would not exist and the necessary personnel for the safekeeping of the prisoner in the place of his treatment must be available.

#### **Consent**

23. A person taken into police custody, regardless of the length of his/her detention, cannot be examined by a doctor or be forced into any medical examination without his/her consent. This right is safeguarded by section 25 of The Police Law, 2004, [L.73(I)/2004, as amended], and The Prisons (General) Regulations, 1997 to 2002 (P.I. 576/2002). However, if a person does not consent, the medical examination can only be carried out after a court Order is obtained.

#### **Premises for illegal immigrants**

24. The Law and Regulations for the establishment and regulation of premises of Illegal Immigrants ([L.83(I)/2011] and Regulations 161/2011) have recently been enacted to deal specifically with illegal immigrants. In addition to all the rights afforded to them by other relevant laws and regulations as explained hereabove in this section, this Law and Regulations make further provisions as follows:

- According to section 6 of Law L.83(I)/2011 every detainee is given leaflet informing him/her of his/her rights and obligations and he/she then undergoes a medical examination in order to prevent the spreading of contagious diseases.
- More detailed provisions on the rights and obligations of illegal immigrants in detention are set out in the aforementioned Regulations R.161/201 which reiterate and complement the rights set out hereabove:
- Regarding communication rights (Regulation 5-8), the detainee is also entitled to be provided with a list with the names of lawyers as this is compiled by the Cyprus Bar Association. In case the detainee is an asylum seeker his/her Embassy is not informed.

- Use of violence is only permitted where: it is absolutely necessary and is exercised as a last resort, it is proportionate to the purpose and when the detainee is dangerous either to himself or to other detainees, or there is possibility to escape. If violence is used, the detainee is examined by the Medical Services and a report is prepared recording the findings.
- The premises can be inspected from time to time by the Ombudsman, the Committee for the Prevention of Torture of the Council of Europe (CPT), without giving prior notice (Regulation 6(1)).

**Reply to the issues raised in paragraph 4 of the list of issues**

25. According to section 20 of Rights of Persons Who Are Arrested and Detained Law, 2005, [L.163(I)/2005]),(a) detainees under 18 years must be detained in separate cells from the rest of the detainees and (b) detainees must be detained in same sex cells. The same is provided in section 20 (1-5) of the Regulations for the establishment and regulation of premises of Illegal Immigrants R.161/2011.

26. Pursuant to national legislation and international standards, unaccompanied or undocumented children who are third country nationals, cannot be detained. Children (especially children of a very young age) accompanying their parents, who are held in detention by detention and deportation orders, are detained with their parents, only where detention is in their best interest in order to preserve family unity.

27. In order to assist young detainees to assume socially constructive and productive roles in society when released, a separate ward, 'Wing 9', which consists of 24 cells is in the process of renovation. It can accommodate up to 48 persons. Restoration and construction works have started in September 2010 and it is expected to be completed by the end of 2012. Until the completion of Wing 9, juveniles' cells are a separate section of the wing but they share the same grounds with adults during their daily activities.

28. Minors on pretrial detention are held separately from convicted minors, in separate cells.

**Reply to the issues raised in paragraph 5 of the list of issues**

29. The Prisons Law, 1996, [L.62(I)/1996] was amended in 2009 with Law L.37(I)/2009 further regulating the release of prisoners on leave under conditions, in order to serve the remaining of their term of imprisonment out of prison (sections 14A-K). This Law establishes an independent Board of Prisoners on Parole which has the power to examine and decide upon applications by life sentence prisoners who have served half of their term and prisoners serving long terms of imprisonment (more than 2 years sentence), as has been imposed by the Court. Until today the Board has released on conditions, 7 prisoners 2 of which were life sentenced to life imprisonment.

30. The Board's authority does not, in any way, affect the constitutional prerogative of the President of the Republic who, on the recommendation of the Attorney-General may remit, suspend or commute any sentence passed by a Court [article 53(4) of the Constitution].

31. The law lays down different imprisonment periods as regards prisoners serving more than one term of imprisonment imposed consecutively or concurrently. In the case of life imprisonment, the prisoner must have served at least 12 years in prison, in order to be eligible to submit an application. In the case of consecutive sentences of life imprisonment, the prisoner must have served at least 25 years in prison, in order to be eligible to submit an application.

**Reply to the issues raised in paragraph 6 of the list of issues**

## Violence

32. Domestic violence was criminalized in 1994 by the Violence in the Family (Prevention and Protection of Victims) Law, 1994, [L.47(I)/1994], which was later replaced by the Violence in the Family (Prevention and Protection of Victims) Law, 2000, [L.119(I)/2000], as amended in 2004. This Law, condemns, inter alia, any act of violence within the family, raises substantially the penalties for violence, provides protection to victims by empowering the Court to issue restraining orders, clarifies that marriage to the victim is not a defense for rape, it facilitates the reporting of violent incidents, provides for the appointment of Family Counselors, the setting up of the Advisory Committee for the Prevention and Combating of Domestic Violence (ACPCDV) to monitor the implementation of the Law, the taking of testimony of victims of violence by electronic means, the protection of victims and witnesses, makes the spouse a compellable witness and makes an omission to report a case of violence against a minor or a person with severe mental or psychological deficiency, a criminal offense punishable with imprisonment.

33. The SWS receive reports concerning violence in the family, both against adults and children, and proceeds with an investigation of the reported case. The report can be made by any person anonymously as well.

34. According to Section 2 of this Law, "Member of the family" means: a) a husband and wife who (i) have been legally married, whether the marriage is still valid, or (ii) are or were cohabiting as husband and wife, (b) the parents of the persons referred to paragraph (a), (c) children of the persons referred to in paragraph (a), irrespective of whether such children are the natural or adopted children of either or both the said persons, as well as the grandchildren of the persons referred to in paragraph (a), and (d) any person residing with any of the above mentioned.

35. "Violence", for the purposes of this Law, is defined in section 3 as '(1) any act, omission or behaviour which causes physical, sexual or mental injury to any member of the family by another member of the family and includes violence used for the purpose of having sexual intercourse without the consent of the victim as well as of restricting its freedom; (2) Notwithstanding the meaning of the term "violence" pursuant to subsection 1 above, the offences referred to in section 147 (incest) of the Criminal Code, CAP.154 shall fall within the said meaning ; (3) any act or behaviour constituting violence, pursuant to subsections 1 and 2 of this section or an offence, pursuant to sections 174 (intercourse with young male under 13 years old), 175 (bestiality) and 177 (indecent exhibition) of the Criminal Code CAP.154, when committed in the presence of a minor member of the family, shall be considered as violence used against the said minor if it may cause to him/her mental injury. The said act or behaviour shall constitute an offence punishable under subsection 4 of this section, and, (4) any person using violence pursuant to subsection 1 commits an offence under this Law, punishable with imprisonment up to 5 years or with a fine up to 3 thousand pounds or with both such penalties, except in the case of common assault which is punishable with imprisonment for 2 years and in the case where a more severe punishment is provided under any other or this Law.

36. According to section 4 of the above Law, when any of the 12 offences listed in this section -and which is also provided for in the Criminal Code CAP.154- is committed by member of the same family, this shall be considered as particularly serious (aggravated violence) and the Court may impose the increased penalties set out in this Law.

## Statistics

37. In the past five years, data gathered from the Police and the SWS indicate an average of 1000 service cases. Furthermore, the data indicate a slight increase each year. The following data indicate the service cases reported to the SWS for the period 2002-2011:

<i>Domestic Violence Service Cases</i>		<i>per cent Increase/Decrease</i>
2002	598	37.16
2003	667	11.53
2004	766	12.03
2005	1119	46.08
2006	1009	-9.83
2007	986	-2.28
2008	1282	30.02
2009	901	-29.72
2010	1030	12.52
2011	783	-31.55

38. Police statistics on domestic violence present the following data:

(a) Three tables on the annual number of incidents, complainants and accused for the period 2003-2010 as well as aggregated data for the overall period of 7 years. In terms of type of violence, on the basis of 6459 incidents, it is shown that 79 per cent of incidents are of bodily nature, 19 per cent of psychological, and 2 per cent of sexual nature. Data on complainant and accused indicate a gender perspective, with males accounting for 83 per cent of the accused pool and of 23 per cent of the complainants' pool;

(b) Data on domestic child abuse reveals a percentage of minor complainants of 12 per cent of the overall complainant pool, with an almost equal representation between boys and girls;

(c) The Table on the annual number of criminal investigations concerning domestic violence indicates an average of 346 such criminal cases/investigations by the police for the period 1994-2010. The average for the period 2004-2010 rises to 453, which accounts to 51 per cent of all incidents recorded;

(d) On the basis of all (941) incidents reported to the police in 2005, in 425 (45 per cent) of them the police proceeded with official criminal investigation. 92 per cent of the cases investigated (390) were filed in Court, and 164 of them (42 per cent) were withdrawn, suspended or interrupted, primarily due to victim retraction (attrition);

(e) Of the remaining 226 cases, there were 148 (66 per cent) convictions and 78 (34 per cent) acquittals. The sentences imposed were by 74 per cent fine/bond, 21 per cent imprisonment (including suspended) and by 5 per cent custodian order on the condition to attend therapeutic intervention program. A study of the same subject matter concerning the incidents reported to the police in 2006 is close to completion. The numbers seem to accord with findings concerning the previous year (2005).

39. Annual data on Police criminal investigations concerning domestic violence for the period 2001-2010 is set out below:

<i>Year</i>	<i>Criminal Investigations</i>
2001	336
2002	320
2003	414

<i>Year</i>	<i>Criminal Investigations</i>
2004	389
2005	429
2006	403
2007	502
2008	447
2009	485
2010	515
Average 1994-2010	346
Average 2004-2010	453

### Reported Incidents of Domestic Violence by Type

Type of Violence	2004	2005	2006	2007	2008	2009	2010	TOTAL	Percentages
Sexual	9	20	21	36	40	15	28	169	2,74%
Bodily	416	735	821	818	752	645	636	4823	78,28%
Psychological	80	189	181	221	177	166	155	1169	18,97%
<b>TOTAL</b>	<b>505</b>	<b>944</b>	<b>1023</b>	<b>1075</b>	<b>969</b>	<b>826</b>	<b>819</b>	<b>6161</b>	<b>100,00%</b>

### Complainants for Domestic Violence by Sex / Age

Sex	2004	2005	2006	2007	2008	2009	2010	TOTAL	Percentages
Man	81	165	193	218	181	175	136	1149	17,42%
Boy < 18	27	43	56	57	58	73	77	391	5,93%
Woman	401	710	774	795	728	604	611	4623	70,11%
Girl < 18	27	77	80	73	62	52	60	431	6,54%
<b>TOTAL</b>	<b>536</b>	<b>995</b>	<b>1103</b>	<b>1143</b>	<b>1029</b>	<b>904</b>	<b>884</b>	<b>6594</b>	<b>100,00%</b>

### Accused for Domestic Violence by Sex / Age

Sex	2004	2005	2006	2007	2008	2009	2010	TOTAL	Percentages
Man	418	796	857	891	824	688	656	5130	80,33%
Boy < 18	7	8	19	24	5	7	3	73	1,14%
Woman	86	166	183	196	177	165	195	1168	18,29%
Girl < 18	1	5	2	4		1	2	15	0,23%
<b>TOTAL</b>	<b>512</b>	<b>975</b>	<b>1061</b>	<b>1115</b>	<b>1006</b>	<b>861</b>	<b>856</b>	<b>6386</b>	<b>100,00%</b>

#### Dealing with domestic violence

40. The Police Domestic Violence and Child Abuse Office (PDVCAO) has a leading role in the investigation of domestic violence cases, the collection of statistical data, the provision of assistance to all Police Stations and the professional police training, in collaboration with the Cyprus Police Academy (CPA). Such training is organized at four different levels:

(a) The Basic Level, where new recruits at the CPA are given a series of lectures covering legal, procedural, and other formal or structural aspects of policing, general awareness and social sensitization and child sexual abuse;

(b) The Advanced Level, which is a 5-day (40-hour) course on domestic violence attended by investigators, offered on a continuous basis. Since 2008, additional 3-day (24hrs) courses on child victims are organized annually;

(c) The Specialized Level, which is a 3-week training of police investigators on child sexual abuse cases, interviewing vulnerable witnesses and obtaining video recorded statements and;

(d) The Refresher Courses, which are short-span training sessions, conducted to update and refresh the knowledge of in service personnel.

Each Police Station has on average of four specialized police officers.

41. In handling cases involving domestic violence and/or child abuse, the Police follows relevant legislation, Police Standing Orders, Circulars of the Chief of the Police, as well as other official documentation codifying policing procedures and defining obligations and responsibilities. These are all found in a "Police Manual" which was first published in 2005 and revised in 2006, with funding by the National Machinery of Women's Rights (NMWR).

42. The domestic violence government agencies, as well as NGOs, cooperate on the basis of the Manual of Interdepartmental Cooperation on Domestic Violence, approved by the Council of Ministers in 2002, which describes procedures and guidelines through which all agencies and professionals work together for the prevention and treatment of domestic violence. The Manual applies to the following services: Legal Services, SWS, Police, Health Services and the Ministry of Education and Culture (MOEC) and to non-governmental organizations operating programs for the prevention and combating of domestic violence.

43. The program 'Prevention and Treatment of Violence in the Family' provides both minors and adult victims of violence the right to seek help, support and protection in order to be able to deal with the violence they are facing. This Program pays special attention to the

abuse and/or neglect of minors, defending the rights of children by giving them access to services which provide assistance.

44. The SWS give emphasis to the mobilisation of NGOs concerning the prevention and handling of violence in the family. Through the Grants-in-Aid Scheme, financial and technical support is provided to the Association for the Prevention and Handling of Violence in the Family. More specifically in 2011 an amount of €119.000, 00 has been provided for the support of the Crisis Centre, the Shelter and the Training Seminars run by the Association.

#### **National Action Plan on the Prevention and Handling of Family Violence (NAPPHFV)**

45. The ACPCDV established in 1996, prepared a NAPPCVF for the period 2008-2013, which has been approved by the Council of Ministers on 3 December 2009. This action plan demonstrates the commitment of the Government's policies to set the prevention and combating of domestic violence as a priority. Its objectives are to prevent the phenomenon of domestic violence, to offer educational programmes to all the professionals involved, to offer services to victims and perpetrators and establish the prosecution of the perpetrators according to the Law.

46. Domestic violence cases involving house workers can also be investigated by the Ombudsman under the Equal Treatment in Occupation and Vocational Training Law [L.205(1)/2002, as amended]. For example, when a complaint is filed to the Ombudsman by female house workers regarding sexual harassment by their male employers, this is considered as discrimination on the grounds of sex, thus it falls within the ambit of the Equality Authority. In case the Ombudsman finds the allegations of the victim to be sound, a report is submitted to the relevant authorities and brought to the attention of the Attorney General.

#### **Reply to the issues raised in paragraph 7 of the list of issues**

##### **The Combating of Trafficking and Exploitation of Human Beings and the Protection of Victims Law, 2007 [L.87(I)/2007, as amended]**

47. Law L.87(I)/2007 replaced the Combating of Trafficking in Human Beings and Sexual Exploitation of Children Law, 2000, [L.3(I)/2000]. It fully harmonises national legislation with European legislation (EC Directive 2004/81/EC and EC Framework Decisions 2002/629/JHA and 2004/68/JHA) and implements the UN and Council of Europe relevant Conventions and Protocols, particularly the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime. The Law covers all aspects of trafficking such as exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery and the removal of organs. The Law has special provisions for children, including unaccompanied minors and child pornography.

48. According to the above Law, victims of trafficking are protected from criminal charges in case where the offence is directly related to their status as victims. Victims have one month reflection period with the possibility of renewal. No fees are required for the issue of the relevant temporary residence permit. All victims enjoy the following rights irrespective of whether they have entered the Republic legally or not: protection from deportation, right to medical care, the right to information concerning their rights provided for by the Law, public allowance, the right to psychological support, protection by the police, free translation and interpretation services, protection of personal data, access to programs provided by the State or by NGOs in cooperation with the State (if available) for rehabilitation of the social life of the victims (e.g. vocational training), change sector of employment

49. In cases where the victims have decided to cooperate with the authorities for the prosecution of the perpetrators, they have the right work and change sector of employment.

50. For victims who are minors, the Law provides for their access to education and specialized medical and other care.

51. The victims have access to legal, medical and psychological support. Legal support is provided by Legal Support Fund when the relevant conditions are met. Medical and/or psychological support is provided by the Ministry of Health (MOH) and the Department of Psychiatric Services.

#### **Multidisciplinary Coordinating Group for Combating Trafficking in Human Beings (MCGCTHB),**

52. An important development in the area of trafficking in human beings has been the establishment of the MCGCTHB, as provided for by the Law L.87(I)/2007, as amended. Its purpose is, inter alia, to monitor the implementation of the Law, as well as to take all necessary measures, to monitor and evaluate the national referral mechanism of the victims and to collect and exchange information with regard to the offences provided by the Law. The MCGCTHB is comprised of: 1) the Minister of Interior, as President, who is, according to section 47 of the Law, the National Coordinator for Combating Trafficking in Human Beings, and representatives of the Law Office of the Republic, the Ministry of Justice and Public Order (MJPO), the NMWR, the Police, the Ministry of Foreign Affairs (MFA), the Department of Labour, the SWS, the MOH, the MOEC, the Civil Registry and Immigration Department, the Asylum Service and up to four NGOs (the Mediterranean Institute of Gender Studies (MIGS) and the anti-trafficking charity STIGMA). The multidisciplinary coordinating group meets on a regular basis every three months and it may also meet on other instances as decided by the National Coordinator for urgent or serious reasons. For the more efficient operation of the Group, the examination of specialized matters was assigned to Working Groups with the responsibility to submit recommendations and suggestions to the plenary of the Group.

#### **Social Welfare Services (SWS)**

53. According to Law L.87(I)/2007, the SWS is responsible for the well being of the victims and for their rehabilitation. Once a victim is found or referred to by the Police, a social worker is informed and meets the potential victim immediately informing him/her on the benefits the Law provides for the victims. They also support the victims by offering them a stay at the governmental shelter for victims of sexual exploitation, which operates since 26.11/2007 under the direction of the Ministry of Labor and Social Insurance (MLSI). Apart from safe accommodation, the shelter provides the victims psychological support and counselling with an individualized treatment plan and legal advice. The SWS have developed a leaflet concerning the regulations of the shelter (the rights and obligations of the victim in the shelters) which has been translated in 10 languages (Russian, Romanian, Tagalog, Latvian, French, English, Bulgarian, Ukrainian and Mandarin) and it is provided to the victim as soon as she/he enters the shelter. Priority is given to potential victims referred to by the Police who is the competent authority for identifying the victims under the legislation. The Police follows a victim centred approach and handle all potential victims with respect regardless of their gender, age and sex. This procedure is followed regardless whether the victim cooperates with the Police or not.

#### **Office of Combating Trafficking in Human Beings (OCTHB)**

54. Since 2004, the Police is operating the OCTHB which has a central role in coordinating the anti-trafficking activities of the Police. Some of the main tasks of the OCTHB are to collect and evaluate information related to human trafficking and other relevant offences, to coordinate the actions of all the District Divisions and other Services, to maintain a statistical database, to organize seminars, to follow up and monitor cases pending before the Court, to carry out reports, to co-operate with foreign services, NGO's

and other Governmental Departments and Services, to co-operate with Interpol and Europol, to advise the investigators and participate in operations or investigations and finally to identify the victims.

55. The Police conduct systematic and thorough checks, raids and inspections in establishments where potential victims work or reside.

56. The Police is in close cooperation with Foreign Law Enforcement Agencies, through Europol and Interpol and uses all the mutual legal assistance agreements and uses a victim focused approach for the investigation of such cases.

#### **Employment permits for artists**

57. The Council of Ministers approved on 29 October 2008, a new policy for the entry, residence and employment of third country nationals in the Republic as 'artists', having effect as of 1 February 2009.

58. The new policy consists of the following:

(a) Abolition of the pre-existing special visas for artists: All third country nationals entering the Republic to be employed as artists are issued employment permits as creative artists (writers, composers, painters etc) or as performing artists (actors, dancers, singers, etc).

(b) Procedures for the issue of temporary residence and employment permits: The applications for employment of third country nationals in these fields are submitted to the Department of Labour by the employer and are examined by an interdepartmental committee, on the basis of specific criteria concerning their qualifications, previous experience, reputation abroad etc. The aim is to avoid exploitation of the system. After approval, the employer has to apply to the Civil Registry and Immigration Department for the issue of an entry permit. Upon arrival, the third country national applies for a temporary residence and employment permit, which is issued on the basis of conditions set in the Aliens and Immigration Law CAP.105, are fulfilled. The procedure is now similar to that applicable for all alien workers.

(c) Revision of the contracts of employment: The contracts of employment have been revised to comply with the standard contract of the Department of Industrial Relations, which applies for all foreign workers. These contracts are valid for 1 year and they set the remuneration, benefits, working hours, annual leave and sick leave of the employee, as well as the general obligations of both parties. Alleged breaches of contracts of employment are investigated by the Department of Industrial Relations.

(d) Revision of the legislation regulating Private Employment Agencies: Law on the Establishment and Regulation of Private Employment Agencies and Related Matters, 2012, [L.126(1)/2012] has been enacted in order to regulate private employment agencies harmonizing national legislation with EC Directive 2006/123/EC. Its aim is to set the prerequisites and the qualifications of the persons operating such agencies. The criminal record of the applicant (natural person, legal person or cooperation) will be examined, in order to safeguard that the persons involved in the operation of such agencies, have not been convicted for offences, such as sexual exploitation, or trafficking of human beings, or any other serious criminal offence.

#### **Awareness-raising**

59. In December 2008, the Ministry of Interior (MOI) launched an awareness raising campaign all over Cyprus which lasted for 4 months. The campaign included the display of posters at main roads, highways, airports and other important locations, the dissemination of informational leaflets to all universities, colleges, at the Larnaca airport and also through the daily press and the airing of TV spots.

60. The Government supported the efforts of other institutions for awareness-raising such as the House of Representatives by providing relevant printed material and financial support.
61. The Minister of Interior, the Attorney General, the Head of the OCTHB as well as other Government representatives often participate as speakers in conferences and seminars presenting the current situation in Cyprus. They also talk to the media and give interviews on the subject.
62. The MOI, the MFA and the Law Office of the Republic in cooperation with the United Nations have organized a conference on trafficking and organized crime on 18-19 of September 2008.
63. The Police have issued and handed out informative booklets to the public. The Police immigration officers who work at the entry points of the country are engaged with the duty of handing over informative cards to travellers, especially to potential victims.
64. In May, 2011, the Supreme Court in cooperation with the MCGCTHB and the American Embassy organized a seminar on "Trafficking in Human Beings", addressed to the members of the judiciary. The judges regularly attend several other seminars and conferences, organized by European networks and associations on human rights, i.e on antidiscrimination law, equality.
65. The SWS issued a leaflet specifying the rights of the identified victims of sexual exploitation. It describes in simple language the kind of protection, assistance and benefits provided they can get in Cyprus (shelter, medical, psychological, and economic support). This leaflet has been translated in 11 languages (Greek, Russian, Rumanian, Polish, Spanish, Latvian, French, English, Bulgarian, Ukrainian, and Mandarin).
66. The MOI in cooperation with the NGO Cyprus Stop Trafficking, has prepared a leaflet providing information and contact details and which is disseminated at the airports to aliens arriving from countries of destination of victims of trafficking. The leaflet is translated in seven languages. It explains their rights and obligations and gives information on how they can seek protection, legal advice and help and where victims can submit a complaint. This leaflet can also be found at the Embassies of Cyprus abroad.
67. As regards the measures taken to adopt and implement a practical guide, the "Identification Process Manual" has been adopted and is based on the International Labour Organization Indicators (ILO), the World Health Organization & International Centre for Migration Police Development (ICMPDS) research and on the provisions of the anti – trafficking Law. This manual in combination with the guidance of the members of the OCTHB office, assist police officers when dealing with trafficking cases and potential victims.

#### **National Action Plan against Trafficking of Human Beings 2010-2012 (NAPATHB)**

68. The MCGCTHB prepared the new NAPATHB approved by the Council of Ministers in April 2010. The NAPATHB targets and practical measures and actions, are listed under the following nine thematic areas: (i) Coordination, (ii) Prevention, (iii) Identification and Recognition of Victims, (iv) Protection and Support of Victims, (v) Suppression and Prosecution, (vi) Data Collection, (vii) Training, (viii) International Cooperation and (ix) Evaluation. The NAPATHB sets out specific timeframes for the implementation of all actions.
69. The NAPATHB aims at raising awareness of the general public on the issue of trafficking of human beings and provided the basis for a number of actions:
- (a) On 18 October 2012 the MCGCTHB organized an awareness raising event in Limassol, with the participation of Technological University of Cyprus and the EU

Parliament Office in Cyprus. The event was attended by all the government services involved and a number of NGO as well as other organizations;

(b) On the 21/10.2011, the MCGCTHB and the Office of the EU Commission in Cyprus organized an event the purpose of which was to inform and sensitize the media on trafficking in human beings;

(c) Leaflets in different languages (English, Greek, Arabic, Russian, Romanian, Bulgarian, and Spanish) have been issued and sent to the MFA for dissemination through the consular authorities, the Civil Registry and Immigration Department and the Aliens and Immigration Unit of the Police. The leaflets include information on the phenomenon of trafficking in persons, the legislative framework, basic information on trafficking, ways to protect oneself, contact details government services and NGOs, etc;

(d) Members of the Police Department have given a series of lectures at Universities, Military Camps, etc, on the issue of trafficking in persons, with emphasis on demand. They have also completed two training programs which were addressed to the MOEC Officers and teachers with regard to trafficking in persons and the identification of victims of trafficking and/or exploitation;

(e) Provision of government funding for Universities, Colleges and NGOs which wish to organize their own seminars on the issue;

(f) Competition with prize for the preparation of posters and a logo for the MCGCTHB for combating trafficking in human beings to be used in campaigns, in cooperation with Universities/Colleges/schools;

(g) Two training seminars have been organized in collaboration with the US Embassy in Cyprus in 2011. They took place on the 13-14 October 2011. The first seminar was addressed to Police Officers and Prosecutors. The second one was addressed to Judges, with the collaboration of the Cyprus Supreme Court;

(h) On 8-9 November 2011 the MOI and ICMPD co-organised a Transnational Workshop to Enhance Transnational Cooperation on Trafficking Cases in South-Eastern Europe (TRM-II).

#### **Statistical data:**

##### *Police*

- In 2008, 4 cases of the 51 opened for investigation are pending cases, and for 14 cases the suspects were convicted.
- In 2009, 6 cases of the 34 opened for investigation are pending cases, and for 8 cases the suspects were convicted.
- In, 18 cases of the 35 cases opened for investigation, are pending cases, 5 are still under investigation and for 2 cases the suspects were convicted.
- In 2011, 5 cases of the 26 cases opened for investigation, are pending cases, 13 are still under investigation and for 4 cases the suspects were convicted.
- In 2012 (01/01 – 20/03/2012) one of the 4 cases opened for investigation is pending, one is still under investigation and for one case the suspects were convicted.

##### *Ombudsman*

70. According to information provided by the Ombudsman, 4 cases of trafficking have been filed in the Ombudsman's office during 2011 which are currently under investigation. The main target is to identify any inefficiencies in the way the state authorities handle cases of trafficking and possible victims.

### Article 3

#### Reply to the issues raised in paragraph 8 of the list of issues

71. According to section 19 of the Refugees Law, 2000, [L6(I)/2000 as amended] , the Head of the Asylum Service decides to grant subsidiary protection to a person not recognized as a refugee when the application is not based on any of the grounds of the refugee status, but there are reasonable grounds to believe that when returned to their country of origin would be subjected to serious harm, i.e., (i) death sentence or penalty, (ii) torture or inhuman or degrading treatment or punishment, (iii) serious infringement of human rights at a level that the international obligations of the Republic are activated and (iv) serious threat to a civilian's life by reason of indiscriminate violence in situations of international or internal armed conflict.

#### (a) The number of persons seeking asylum and the number of persons returned

<i>YEAR</i>	<i>ASYLUM SEEKERS</i>	<i>RETURNS- REJECTED ASYLUM SEEKERS</i>
2010	2498	226
2011	1681	1875
2012 (Jan-Aug)	1026	226
TOTAL (2005-2012)	28477	25234

The number of persons returned in one year, may include persons who applied for asylum the previous year.

#### (b) The number of asylum requests approved

<i>YEAR</i>	<i>PERSONS REGOCNIZED AS REFUGEES</i>
2010	31
2011	53
2002-2011	390 total

<i>YEAR</i>	<i>PERSONS RECOGNIZED AS BENEFICIARIES OF SUBSIDIARY PROTECTION</i>
2010	370
2011	1
2002-2011	1658 total

#### (c) How the probable risk of torture is assessed in the determinations

72. According to section 15 of the Refugee Law, 2000, [L6(I)/2000 as amended] a person who alleges that he/she has been subjected to torture in his/her country of origin is referred to a doctor for examination. In the case that the person does not consent to a medical examination, then his/her claim of torture could not be taken into consideration unless if he/she has serious reasons for the refusal. In practice, the applicant is sent to a medical council which consists mainly of medical examiners (forensic pathologists). The Asylum Service takes into account the medical report of the council and also, the country of

origin information and the credibility of the person concerned in order to decide whether to grant or not international protection.

**(d) The possibilities for appealing refoulement decisions**

73. There is a possibility for appealing refoulement decision through an appeal against an administrative action submitted to the Supreme Court.

**(e) The number of persons expelled or deported, indicating whether any of these were rejected asylum-seekers;**

74. Please see above the replies to the list of issues raised in paragraphs 8(a) and (b) of the list of issues.

**(f) The countries to which these persons were expelled**

75. These countries are: Bangladesh, Vietnam, Egypt, India, Sri-Lanka, Syria and Pakistan.

**(g) The number of cases in which persons were not returned on the grounds that they would be subject to torture**

76. The Asylum Service does not keep registry based on the grounds the decision was taken.

**Reply to the issues raised in paragraph 9 of the list of issues**

77. Asylum seekers with special medical needs have free access to the public healthcare system. Upon their appointment for a personal interview before the Asylum Service, the competent Officer may detect signs of the applicant being a victim of torture and therefore will refer the applicant to a Medical Council that was formed by the MOH for this purpose (identification procedure).

## **Articles 5 and 7**

**Reply to the issues raised in paragraph 10 of the list of issues**

78. No request for extradition, concerning the commission of an offence of torture, has been received.

## **Article 10**

**Reply to the issues raised in paragraph 11(a) of the list of issues**

79. See also above the reply to the issues raised in paragraph 7 of the list of issues.

80. Police continuous training is of utmost importance. At the Police Academy, human rights issues are included in the curricula of all ranking officers and recruits. Human rights courses are reinforced with the presence of professionals who have either an academic background or are experienced in the area of human rights. Such professionals are criminologists, lawyers, judges, psychologists, members of the Ombudsman Office and non-governmental organizations, university professors, etc.

81. The Police Human Rights Office (PHRO) organizes one day seminars with title "Treatment of detainees" for approximately 600 police members who work at police detention centres and are directly or indirectly involved with detainees. The seminar focuses on the treatment of detainees, the living conditions and the needs of detainees in the detention centres, elaboration on the provisions of national legislation and of international conventions for the protection of human rights and the prevention of torture which are related to their daily duties, powers and obligations of police members with regard to the as

well as rights and obligations of the detainees, role playing exercises designed to sensitize the police members. The main objective of these courses is to educate and train members of the Police for their role in protecting and promoting human rights.

82. At the seminar, a representative of MOH lectures on HIV/AIDS and other contagious diseases, and an official of the Ombudsman Office lectures on the treatment, the living conditions of detainees, the new competences of the Ombudsman according to the provisions of the Optional Protocol of United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Law 2009, [L. 2(III)/2009] etc. Since the adoption of the new Law and Regulations for the Establishment and Regulation of Premises of Illegal Immigrants [L. 83(I)/2011] and Regulations 161/2011, the duration of the seminar has been extended to two days, to cover new issues. The program of the seminar is constantly being updated.

83. Police Officers of different ranks often participate in educational/training courses abroad on the issues of rights, racism, discrimination, corruption etc and they actively participate at different European Police College (CEPOL) and other courses organized by foreign competent organizations. For the years 2010-2011, representatives of the Police have participated to CEPOL courses and the EU Fundamental Rights Agency (FRA) roundtables and workshops, organized abroad, concerning human rights issues, police ethics and anti-corruption practices.

84. As regards training on issues of discrimination, an additional comprehensive training program to cover Police Standing Order 3/38 on Combating Discrimination is included in the Police training curricula.

85. The "Citizens Rights Charter" was issued and released by the Police in an effort to maximize the knowledge of citizens regarding police issues in relation to their rights, facilitate public access to Police establishments, procedures and services, through the inclusion of police forms necessary for several purposes. The Charter is also available online at the Cyprus Police webpage: <http://www.police.gov.cy>.

86. A new version of Code of Ethics and a relevant Police Standing Order 1/73 were also issued and edited by the PHRO and they are also available online.

#### **Reply to the issues raised in paragraph 11(b) of the list of issues**

87. See also paragraphs 19-23 above.

88. There are two medical officers in the Prison with several years of experience and continuous medical education, and specialized nursing personnel, all appointed by the MOH. All personnel is very sensitive concerning ill-treatment and torture, and even the slightest complain, sign or suspicion is thoroughly examined. In case of doubt or need of further examination, there is immediate transfer to the Nicosia General Hospital for specialized medical examination, other tests and further investigation.

#### **Reply to the issues raised in paragraph 11(c) of the list of issues**

89. Please see above paragraphs 45, 80-86, and 88, and the replies to the issues raised in paragraphs 13 and 28 of the list of issues.

### **Article 11**

#### **Reply to the issues raised in paragraph 12 of the list of issues**

90. See also above the replies to the list of issues raised in paragraph 3 of the list of issues and the core document submitted with the present report.

91. All detainees, regardless of their nationality and whether they are Greek Cypriots or Turkish Cypriots enjoy all the rights provided for in the constitution, Legislation and relevant convention Cyprus is a member of.

92. Turkish Cypriot detainees who live in the occupied areas are admitted in the Open Prison but there are some restrictions concerning the exit permit for safety and national security reasons. They are granted exit permit with escort, provided that they move within the Government controlled area.

93. Cyprus authorities cooperate with the United Nations on the issue of the treatment of Turkish Cypriot detainees in Prison. United Nations Officers often visit the Prison in order to have contacts with Turkish Cypriot detainees and be informed of any issue that concerns them.

94. With the regards to the allegations contained in paragraph 12 of the list of issues hereabove, further details must be given in order to trace and assess the situation effectively. For instance,

- Did they enter the Republic of Cyprus from a legitimate port of entry?
- Were the visitors Turks or Turkish-Cypriots?
- Were they attempting to cross the green line?

95. Also, EU Regulation 886/2004EC ('The Green Line Regulation') lays down the rules governing the movements of persons and goods between the areas under the effective control of the Government of the Republic of Cyprus and the areas not under its effective control. Movement of persons is permitted through designated crossing points for all Cypriot citizens, EU citizens and third country nationals in possession of either a residence permit or a valid visa of the Republic. As Cypriot citizens, Turkish Cypriots are permitted to cross to and from the areas under the effective control of the lawful Government of the Republic of Cyprus.

**Reply to the issues raised in paragraph 13 of the list of issues**

96. Police officers who do criminal investigations, interviewing and interrogation of persons receive both academic and practical training. This starts at the CPA and is continued throughout their term with various seminars and courses explained above in the reply to the issues raised in paragraph 11 of the list of issues.

97. There is a Police Standing Order with number 3/3 regarding interrogation rules, methods and practices. This order is also included in the training curricula taught at the CPA. It provides for techniques for the investigation of crimes, rules and principles which are related to interrogations, as well as guidelines for taking various statements.

98. The CPA Curricula also includes Police Manuals on Domestic Violence and Identification Process and provisions of European Police Code of Ethics regarding interrogation and detention.

**Reply to the issues raised in paragraph 14(a) and (b) of the list of issues**

99. See above the replies to the issues raised in paragraphs 11 and 13 of the list of issues.

**Reply to the issues raised in paragraph 15 of the list of issues**

100. The renovation works for Wing 2A in the complex of Blocks 1 and 2 of the Closed Prison have been concluded in October 2011, with the creation of 41 new/renovated cells, of a capacity of 82 persons. Wing 2B, consists of 39 new/renovated cells, with a capacity of 78 persons, is expected to be accomplished by the end of 2012. The size of the cells is 2.40x4.20, approximately 10m<sup>2</sup>. See also paragraph 27 above.

**Reply to the issues raised in paragraph 16 of the list of issues**

101. A Retention Centre has been set up to accommodate up to 256 immigrants illegally residing in Cyprus and/or awaiting deportation and is expected to be completed by the end of 2012. The centre meets all the CPT standards.

**Reply to the issues raised in paragraph 17 of the list of issues**

102. The Aliens and Immigration Law, CAP.105, provides that detention is possible on the basis of deportation and detention orders. The Minister of the Interior may, according to the conditions laid down in section 18PST, order the detention of an irregular migrant, especially when the immigrant presents a risk of absconding or is avoiding or obstructing the return or removal procedure. After the amendment of 2008, the Law is fully harmonized with EC Directive EC 200/115 which provides that detention should be applied as the last resort, in case other less coercive measures are not considered adequate for the purpose of ensuring deportation. A maximum period of detention has been specified to a period of six months, with an exceptional possibility to extend detention for a term of maximum twelve months if (i) the detainee refuses to cooperate or (ii) if the receipt of the necessary travel documents from a third country is expected.

103. Detention and deportation orders are issued by the Permanent Secretary of the Ministry of Interior and are executed by the Police. The great majority (85 per cent) of deportation orders are executed in a few days (4-5 days). For cases that deportation orders cannot be executed, mostly due to lack of cooperation on behalf of the detainee for the issuance of travel documents, it has become a Government policy that the detention should in principle exceed a period of six months. If deportations cannot be executed within six months, irregular migrants are set free and given a special residence and employment permit for a limited period of time, provided they have a clean criminal record.

**Release**

104. When the detention period reaches its maximum, the detainee is released upon 6 conditions (which are stated in the letter given to them prior to release): (1) A special residence/ employment permit is issued for a period of twelve months from the release date, (2) prior to this, a contract of employment with an employer who will be indicated and approved by the Department of Labour (Main Office, Nicosia) must be signed, (3) the detainee is obliged to report to the nearest Police Station once a week, (4) The detainee is obliged to report a residence address to the District Office of the Aliens and Immigration Police of the District of your residence within fifteen days from release, (5) A change of employer will be considered only with the approval of the Department of Labour, (6) the detainee must immediately contact the Civil Registry and Migration Department and proceed to all necessary arrangements for the issuance of a special residence permit.

**Reply to the issues raised in paragraph 18 of the list of issues**

105. See also paragraphs 19-23 above.

106. The Central Prison Department provides medical (physical and mental) treatment and nursing care with qualified medical officers (physicians, psychiatrist) and qualified health care staff. The prison medical centre provides initial medical screening on admission to the prison, regular outpatient consultations in equipped premises, emergency treatment at anytime without delay and an adequate supply of appropriate medicines by qualified pharmacists.

107. Prisoners who, after a medical examination by the prison psychiatrist, are diagnosed as suffering from a mental illness which renders them dangerous for themselves or for other prisoners, are transferred to the state psychiatric institution, for better mental treatment and protection, after a relevant order by the MOH is issued.

108. The project for the construction of new prison premises, includes the construction of a new health centre. This will provide medical care and treatment to inmates who are mentally ill, drug addicts and to inmates who are infected with transmissible diseases. The Construction of the Health Centre will start in September 2012 and will be completed by January 2014.

109. The Ombudsman submitted a report in 2011 regarding the transfer of a female detainee to the State Psychiatric Hospital after a relevant order of the Minister of Health based on the report of the prison psychiatrist. In the report, the Ombudsman noted that the decision to mandatorily introduce the detainee to a Psychiatric Hospital, was taken on the basis of the procedure which allows such a decision in cases of persons serving a sentence of imprisonment by the competent authority (Minister of Health), unlike a judicial procedure which is performed in cases of mandatory psychiatric treatment of other citizens. Concerns have been raised on the lack of engagement of an independent judicial authority or other judicial process that includes rigorous, formal and substantive guarantees for the inmate who is in a very vulnerable position. In this sense, the current practice, in the Ombudsman's view, is particularly risky in terms of respecting human rights. Therefore, the Ombudsman suggested that amendments should be made to Prison Regulations in order to include a judicial review of transfers of detainees to the psychiatric hospital.

110. Following the Ombudsman's report, the MJPO and MOH have initiated a discussion for the amendment of both the Prison (General) Regulations, and section 37(1) of the Psychiatric Treatment Law, 1997 [L.77(I)/1997, as amended] which partly deals with the procedure of transferring a prisoner to a hospital for psychiatric treatment.

## **Articles 12 and 13**

### **Reply to the issues raised in paragraph 19 of the list of issues**

111. See also above the replies to the issues raised in paragraphs 2 and 3 of the list of issues.

112. The Police has several mechanisms and procedures that ensure prompt and impartial investigation in allegations concerning police misconduct, ill-treatment etc. There are administrative investigations and disciplinary procedures, criminal procedures, the Police Audit and Inspection Unit and the Police Standards Directory. There are also several independent authorities for the investigation of such alleged cases: the IAIACAP, the Attorney General with the appointment of criminal investigators, the Ombudsman, and the Commissioner for Children's Rights. These mechanisms monitor the work of the Police and aim at the impartial and objective investigation of complaints, as well as at the reduction or even the elimination of any inappropriate behaviour from the members of the Police.

### **IAIACAP**

113. In order to create a further control mechanism so as to ensure that the Police applies its anti-torture and cruel, inhuman or degrading treatment policies, the IAIACAP was established by the Police (Independent Authority for the Investigation of Allegations and Complaints) Law, [L.9(I)/2006, as amended] which commenced its operation in May 2006. The five members of the IAIACAP Board, including its President, are appointed by the Council of Ministers for a five year tenure. According to the Law, the IAIACAP investigates complaints against members of the police concerning the three following categories: (1) corruption, bribery or unlawful enrichment, (2) violation of human rights and (3) actions which constitute favourable treatment or undermine the police repute.

114. The investigation of a complaint may commence upon: (a) a written complaint filed by a complainant, (b) instructions of Attorney General to that effect, (c) instructions of the Minister of Justice and Public Order to that effect and (d) an initiation by IAIACAP, ex

proprio motu, if it becomes aware of an allegation by any means. The complaints are investigated either by members of the IAIACAP or by other investigators who are appointed by the IAIACAP. These investigators are selected from a list provided by the Attorney General.

115. If upon completion of the investigation, the IAIACAP finds that: (a) a criminal offence is likely to have been committed, the case is forwarded to the Attorney General who has the competence to decide for criminal prosecution, and (b) a disciplinary offence is likely to have been committed, the case is forwarded to the Chief of Police, for disciplinary action based on the evidence obtained by the IAIACAP.

116. The European Court of Human Rights, by a decision on 18 June 2009 (application no. 20198/05 by Morteza Mollazeinal against Cyprus), noted that the IAIACAP is an independent authority that is not linked in any way, hierarchically or institutionally, to the Police. The ECHR also found that the investigation carried out by the IAIACAP was sufficiently thorough to meet the requirements of article 3 of the European Convention for the Protection of Human Rights.

### **Ombudsman**

117. Law L.2 (III)/2009 which ratified the Optional Protocol to Convention (CAT) appoints the Ombudsman as the national body of visits provided in the Protocol. The ombudsman is authorized to visit freely at regular intervals places of detention by written notice to check compliance with the provisions of the Convention. During these visits, the Ombudsman is entitled to have non-restricted free access to all premises and every place of detention and to have confidential individual interviews with any person she wishes and may make recommendations and reports and any competent authority for a place of detention is required to report on any measures taken based on the report or recommendations of the Ombudsman. The Ombudsman may also submit suggestions for improving legislation, express opinions in Parliament during the examination of relevant bills and alert the Attorney General and the IAIACAP as to violations of Human Rights in detention centres. During 2011, the Ombudsman conducted monitoring visits to two Police Stations, the Central Prison and the state Psychiatric Institution.

### **Reply to the issues raised in paragraph 20(a) and (b) of the list of issues**

118. Data for 2010 is set out below:

*2010*

Reported Cases	Detected	Victims	Offenders
2	2	2	6

#### *VICTIMS*

Reported Cases	Persons	Country of origin	Gender	Age
Case 1	1	Georgia	Males	26
Case 2*	1	Syria	Males	26

#### OFFENDERS

Persons	Country of origin	Gender	Age
4	Cyprus	Males	32, 25, 27 and 31
2	Cyprus	Males	29 and 34

119. Data for 2011 is set out below:

2011			
Reported Cases	Detected	Number of Victims	Number of Offenders
0	0	0	0

120. From 2006 to 2010, the IAIACAP appointed investigators for 128 complaints relating to torture or ill-treatment allegedly committed by police officers. Out of these 128 complaints, criminal offences were justified for 11 cases and disciplinary offences were justified for 3 cases. Detailed information on the criminal cases is provided in appendix 1.

#### **Reply to the issues raised in paragraph 21 of the list of issues**

121. See above the replies to the issues raised in paragraphs 1, 3 and 19 of the list of issues.

### **Article 14**

#### **Reply to the issues raised in paragraph 22 of the list of issues**

122. Please see above the replies to the issues raised in paragraphs 6, 7 and 20 of the list of issues and appendix 1.

123. According to data provided by the Supreme Court, there were two Criminal Appeal cases concerning torture and degrading treatment, (Criminal Appeals 98/2008 and 99/2008) which were tried as consolidated cases *Eracleous v. The Police* and *Iordanous v. The Police*, (2010) 2 CLR 49, where the judges upheld the conviction imposed by the Criminal Court.

### **Article 15**

#### **Reply to the issues raised in paragraph 23 of the list of issues**

124. This case was investigated by a team of three investigators including one prominent lawyer under the supervision of the President of the IAIACAP. After the completion of the investigation the case was forwarded to the Attorney General, who, after a close examination of the facts and findings, concluded that he would not file criminal charges against the Police members.

#### **Reply to the issues raised in paragraph 24 of the list of issues**

125. It is a well established rule in both legislation and case law that testimony which has been illegally taken, in infringement of any constitutional rights, under torture, ill-treatment, duress or undue influence is inadmissible evidence in any court proceedings.

#### **Reply to the issues raised in paragraph 25 of the list of issues**

126. The case concerned the complaint of a Kurd male who reported the incident at the IAIACAP. His complaint was investigated by a team of three investigators, under the supervision of the President of the IAIACAP, who submitted the facts before the Attorney General. The latter, on the base of the evidence received by the investigators and in particular on the scientific evidence that the injuries did not correspond to the complaint, concluded that there was no sufficient evidence to justify prosecution. The above-mentioned detainee was deported to his country on 12 March 2009.

## Article 16

### Reply to the issues raised in paragraph 26 of the list of issues

127. The new Police cells in Paphos and Ayia Napa have already been finished. Improvement works in Limassol Police Detention Centres are still in progress.

### Reply to the issues raised in paragraph 27 of the list of issues

128. See above the reply to the issues raised in paragraph 20 of the list of issues.

## Other issues

### Reply to the issues raised in paragraph 28 of the list of issues

129. Cyprus considers the fight against terrorism one of the top priorities of its foreign policy and takes an active part in international counter-terrorism efforts.

130. Cyprus has adopted, inter alia (i) the Guidelines of the Committee of Ministers of the Council of Europe on Human Rights and the Fight Against Terrorism of 11 July 2002, (ii) all United Nations Security Council resolutions regarding terrorism, concerning the call for joint action and measures to be taken by each member State of the international community in the common endeavour against terrorism, (iii) all Common Positions of the Council of the European Union on Combating Terrorism and on the application of specific measures to combat terrorism.

131. Cyprus has ratified several European and international conventions and protocols including the European Convention on Extradition-Paris on 13 December 1957, the Additional Protocol to the European Convention on Extradition-Strasbourg on 15 October 1975, the Second Additional Protocol to the European Convention on Extradition on 17 March 1978, the European Convention on Mutual Assistance in Criminal Matters, Strasbourg on 20 April 1959, the Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters-Strasbourg on 17 March 1978, the extradition of Fugitives Law, 97/1970, the International Cooperation in Criminal Matters (Ratification Law. 23(I)/2001), the European Arrest Warrant Law 133(I)/2004, the Joint Investigation Teams Law.244(I)/2004 and the Convention on Mutual Judicial Assistance in Criminal matters among Member States (EEC 197 of 12.7.2000) and its protocol (EEC 326 of 21.11.2001).

132. Legislation on combating terrorism includes, inter alia, the following:

Suppression of Crime Law, 1995 [L.3(I)/1995], Prevention and Suppression of Money Laundering Activities Law 1996, [L.61(I)/1996, as amended], Protection of Witnesses Law, 2001, [L.95(I)/2001], Law providing for the Acquisition, Possession, Transfer and Import of Firearms and Non-firearms and Related Issues Law, 2004 [L.113(I)/2004], Criminal Code, CAP.154.

133. Cyprus has ratified the European Council Framework Decision of 13 June 2002 on Combating Terrorism and the Council Framework Decision 2008/919/JHA (OJ L330 of 09/12/08) amending FD Decision 2002/475/JHA on combating terrorism, with The Law against Terrorism, 2010 [L.110(I)/2010] so as to include three new offences: public provocation to commit a terrorist offence; recruitment for terrorism; and training for terrorism.

134. Cyprus has not faced any complaints of non-observance of international standards in relation to terrorism.

135. Members of the Counter Terrorism Office conduct training programs at the CPA for all recruit police officers, sergeants, inspectors and chief inspectors in the framework of the

Common Curricula of CEPOL. Additionally, they train members of Aliens and Immigration Unit, Community Police and the Prison Department on issues relating to radicalization. The members of the Office are systematically trained and participate in courses, seminars and workshops, organized abroad.

**General information on the national human rights situation, including new measures and developments relating to the implementation of the Convention**

136. Please see all above replies to the list of issues.

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