



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

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## Committee against Torture

### Concluding observations on the fifth periodic report of Cyprus\*\*

1. The Committee against Torture considered the fifth periodic report of Cyprus (CAT/C/CYP/5) at its 1792nd and 1794th meetings (see CAT/C/SR.1792 and 1794), held on 15 and 18 November 2019, and adopted the following concluding observations at its 1814th meeting.

#### A. Introduction

2. The Committee expresses its appreciation to the State party for accepting the simplified reporting procedure and submitting its periodic report thereunder, as this improves the cooperation between the State party and the Committee and focuses the examination of the report and the dialogue with the delegation.

3. The Committee appreciates the open and constructive dialogue with the State party's delegation and the additional information and explanations provided by the delegation.

#### B. Positive aspects

4. The Committee welcomes the decision of the State party to make public the report of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment regarding the visit to Cyprus undertaken by the Subcommittee from 25 to 29 January 2016 (CAT/OP/CYP/1).

5. The Committee welcomes the State party's ongoing efforts to revise its legislation in order to give effect to the Committee's recommendations and to enhance the implementation of the Convention, including the adoption of:

(a) Law No. 60 (I)/2014 on the prevention and combating of trafficking and exploitation of persons, and the protection of victims;

(b) Law No. 51 (I)/2016 on establishing minimum standards relating to the rights of, support for and protection of victims of crime;

(c) Law No. 14 (III)/2017 on the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention);

(d) Law No. 22 (I)/2017, amending the law on the rights of persons who are arrested and detained.

6. The Committee also welcomes the following administrative and other measures:

\* Second reissue for technical reasons (11 February 2020).

\*\* Adopted by the Committee at its sixty-eighth session (11 November–6 December 2019).



- (a) Adoption of the national action plan against trafficking in persons for 2016–2018;
- (b) Adoption of the national action plan on the prevention and combating of violence in the family for 2017–2019.

## C. Principal subjects of concern and recommendations

### Pending follow-up issues from the previous reporting cycle

7. In its previous concluding observations (CAT/C/CYP/CO/4), the Committee requested the State party to provide follow-up information on the steps it had taken to implement the Committee's recommendations relating to: strengthening legal safeguards for detained persons (para. 7 (d)); identification of victims of torture during the refugee determination process (para. 11 (a)); detention of undocumented immigrants (para. 17 (c)); and detention of unaccompanied children and families (para. 19). The Committee appreciates the information received on 20 May 2015 under the follow-up procedure (CAT/C/CYP/CO/4/Add.1). In light of the information provided, the Committee finds the recommendations contained in paragraphs 7, 11 and 17 of the previous concluding observations have been partially implemented. The Committee requests further statistical data regarding these issues (see paras. 15, 17, 23, 25, 29, 33, 35, 39 and 45 below).

### Criminalization of torture

8. While taking note that Law No. 235/90 fully incorporates the definition of torture as set out in the Convention, the Committee regrets that sections 3 and 5 of the law are not regularly applied by domestic courts and thus that the law is not adequately enforced.

9. **The State party should include torture and ill-treatment as separate and specific crimes in its legislation and ensure that penalties for torture are commensurate with the gravity of this crime, as set out in article 4 (2) of the Convention. The State party should ensure that the absolute prohibition of torture is non-derogable and that acts of torture are not subject to any statute of limitations.**

### Fundamental legal safeguards

10. The Committee is concerned at the lack of full compliance by all public officials with fundamental legal safeguards, including the absence of a nationwide registry of all detained persons, and at the lack of sanctions following non-compliance. In particular, the Committee is concerned by reports of ill-treatment of detainees by police officials, including allegations of sexual abuse. While taking note of draft legislation to remove article 30 of Law No. 163(I)/2005 on the rights of persons who are arrested and detained, which provided for criminal sanctions of detainees who abused the right to medical examination or treatment, the Committee is concerned about the lack of safeguards to ensure the confidentiality of detainees' complaints alleging torture or ill-treatment by officials. The Committee also remains concerned at reports of a lack of medical screening, including upon admission to a place of detention to detect signs of torture and ill-treatment (arts. 1, 2, 4, 11, 12 and 13).

11. **The State party should:**

- (a) **Confirm the removal of or take measures to remove article 30 of Law No. 163(I)/2005, and ensure that detained persons undergo a routine and free-of-charge medical examination when they arrive at a detention facility, including early detection of signs of torture and ill-treatment, and ensure medical confidentiality at all times;**
- (b) **Take measures to combat the problem of police abuse, in particular abuse perpetrated during investigations;**
- (c) **Ensure that effective mechanisms for receiving complaints against the police, in particular the Independent Authority for the Investigation of Allegations and Complaints against the Police and the Professional Standards, Audit and**

**Inspection Directorate of the police, as well as any committee for receiving complaints from irregular migrants, remain independent and sufficiently funded;**

**(d) Monitor overall compliance by all public officials with fundamental legal safeguards by tracking and evaluating, during the upcoming review period, data on complaints lodged and cases initiated for failure to comply with fundamental legal safeguards, including on the number of complaints lodged, the number of cases initiated, the outcomes of those cases, the penalties applied to officials and the compensation awarded to survivors;**

**(e) Maintain a central registry of information on all detainees, disaggregated by name, sex, nationality and location, while applying relevant data protection and confidentiality measures.**

### **Complaint mechanisms**

12. The Committee takes note of the explanations provided by the State party regarding the mandate and function of the Independent Authority for the Investigation of Allegations and Complaints against the Police and access to the recruitment exam for lawyers. However, it remains concerned by the low number of investigations, prosecutions and sanctions compared to the high number of complaints, as well as by the lack of effective investigations, as observed by the European Court of Human Rights in *Thuvo v. Cyprus*. The Committee also remains concerned by the lack of independence of the Professional Standards, Audits and Inspection Directorate as a disciplinary body. The Committee regrets the lack of information about the workings and efficiency of the complaint committee that was appointed in 2013, in accordance with section 28 (1) of the 2011 regulations for places of detention for illegal migrants, to receive complaints from irregular migrants.

13. **The State party should:**

**(a) Ensure that the Independent Authority for the Investigation of Allegations and Complaints against the Police discharges its mandate with full independence and that its investigations are accompanied by the suspension or transfer of accused police agents for the duration of the investigation;**

**(b) Ensure that all disciplinary investigations carried out by the Professional Standards, Audit and Inspection Directorate are accompanied by the suspension or transfer of accused police agents for the duration of the investigation;**

**(c) Ensure accessibility for the complaint committee to centres of detention for irregular migrants, specify the mandate of such bodies and ensure their effective operation;**

**(d) Collect disaggregated statistics on complaints, investigations and disciplinary or criminal measures taken, and include such information in its next periodic report to the Committee.**

### **Rights of detained persons, including legal aid**

14. While noting the information provided by the State party on the rights of persons detained in prisons (CAT/C/CYP/5, paras. 9–17 and 172), in the Menoyia immigration detention centre (see CAT/C/CYP/5) and in the Korfinou centre, the Committee is concerned about detainees' awareness of and access to the guarantees of these rights, including complaint procedures. While noting with satisfaction that a detainee's right to access to an ex officio lawyer has been codified in law, the Committee remains concerned that this right is not always observed in practice. In that regard, the Committee is particularly concerned about asylum seekers and irregular migrants, although it welcomes information that the Refugee Law and the Law on Provision of Legal Aid have been amended in order to eliminate the restrictive criteria for applying for legal aid when challenging deportation and detention orders. The Committee is also concerned at reports that persons deprived of their liberty were not assigned legal aid prior to their initial interrogations. Furthermore, it is concerned that prospective recipients for legal aid must argue before a court to convince it about the prospects of success of their claim before being granted legal aid (arts. 2, 3, 13 and 14).

15. **The State party should:**

(a) **Ensure that all detained persons are informed orally and in writing of their rights in a language they understand, including specific information on how to submit a confidential complaint and on other legal remedies to challenge the lawfulness of their detention, on the rights of persons under national immigration laws, and on the right to have the free assistance of an interpreter;**

(b) **Ensure that the right to immediate legal aid is fully implemented in practice at all stages of the legal process and that such aid is made available to all eligible candidates by taking such measures as eliminating overly restrictive procedural and judicial criteria;**

(c) **Monitor and evaluate data on the number of detainees who apply for legal aid each year, the number of applications granted, and the average duration of time after the arrest the legal aid counsel may meet with the detainee;**

(d) **Compile statistical data relevant to complaints of investigations into and prosecutions and convictions for torture and ill-treatment, compensation and rehabilitation provided to victims.**

**Medical examination in alleged cases of torture**

16. The Committee is concerned about the lack of procedural safeguards to ensure a timely medical examination of alleged victims of torture and ill-treatment, including psychological or psychiatric assessments when signs of torture or trauma are detected during personal interviews of asylum seekers or irregular migrants. The Committee regrets that the requested information on the rehabilitation of identified victims of torture and ill-treatment, and on priority access to the asylum process for those who have been so identified, was not provided (arts. 2, 11, 12 and 13).

17. **The State party should:**

(a) **Take measures to ensure that timely medical examinations of alleged victims of torture and ill-treatment comply with the procedures set out in the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol), and in particular that they are conducted by trained, independent health experts with the support of professional interpreters;**

(b) **Compile data on the number of applicants that have been referred to a medical examination due to allegations or signs of torture and ill-treatment, the outcomes of those medical examinations and the next steps taken in those cases, and on the number of asylum seekers referred to rehabilitation owing to torture, and the specialized nature and content of the rehabilitation offered.**

**Judicial review with suspensive effect for asylum seekers and irregular migrants**

18. The Committee notes with appreciation the creation, in January 2016, of the Administrative Court, which has first-instance jurisdiction over administrative proceedings, and the creation, in July 2019, of the International Protection Administrative Court, another first-instance court, which examines both procedure and merits and has strict deadlines for greater efficiency. The Committee remains concerned, however, about the effectiveness of the two courts to adjudicate challenges to the deportation of asylum applicants and irregular migrants, about the relation of these courts with the Supreme Court with regard to the accessibility of appeals, and about the backlog of asylum claims (arts. 2, 3, 13 and 14).

19. **The State party should continue to abide by its commitment to provide for an effective judicial remedy with automatic suspensive effect in the context of the deportation of asylum seekers and irregular migrants, by:**

(a) **Ensuring the independence of the Administrative Court and the International Protection Administrative Court from the executive branch of the Government, including procedural independence from law enforcement and immigration and asylum officers;**

(b) **Ensuring that legal recourse is available to asylum seekers and irregular migrants who have lost the protection of suspensive effect;**

(c) **Tracking the number of cases relating to non-refoulement of possible victims of torture that the two administrative courts and the Supreme Court have considered since their respective establishment, the number of cases submitted and the number decided, case outcomes, including the number of those resulting in deportation, the number of cases resulting in successful claims that led to the reversal of a deportation order, the number of appeals and the outcomes of the appeals.**

#### **Detention of asylum seekers and irregular migrants**

20. While recognizing the challenges inherent in dealing with a large influx of irregular migrants and taking note of, inter alia, the report of the Subcommittee on Prevention of Torture on its 2016 visit to the State party, the Committee remains concerned by the criminalization and routine detention of irregular migrants, the extended periods of detention of such migrants and the functioning of the migration detention facilities throughout the country. While welcoming information from the State party that asylum seekers are no longer detained under the Aliens and Immigration Law, the Committee remains concerned about reports that asylum seekers continue to be detained for protracted periods during refugee status determination, including during judicial review of their cases, which reportedly can take up to two years. In addition, the Committee is concerned that no comprehensive identification procedures are in place to ensure the sufficient and timely identification of vulnerable persons prior to ordering detention. While welcoming the confirmation from the State party that unaccompanied minors and children are never detained under any circumstances, and the adoption of policy measures, including a coordination mechanism in the reception system and the early identification of vulnerable persons, the Committee remains concerned that irregular migrants are still detained if they do not comply with the State's request for voluntary return (arts. 11 and 16).

21. **The Committee urges the State party to:**

(a) **Ensure that persons in need of international protection, including those fleeing violence, are not detained or are detained only as a measure of last resort, for as short a period as possible and on an equal basis with Cypriot nationals, in terms of equal rights and treatment;**

(b) **Adopt and implement a standard and comprehensive procedure for the identification of the specific needs of vulnerable asylum seekers prior to resorting to detention;**

(c) **Adopt regulations to fully and consistently implement the provisions of the Refugee Law providing for alternatives to detention, establish comprehensive procedures for the determination and application of alternatives to detention and ensure that these be considered prior to resorting to detention, as part of an overall assessment of the necessity, reasonableness and proportionality of detention in each individual case;**

(d) **Provide information about the duration of such detentions and clarify whether application for asylum by a detained irregular migrant cleared for deportation is considered obstruction.**

#### **Non-refoulement**

22. While taking note that article 29 (4) and (5) of the Refugees Law prohibits the return or refoulement of a refugee or person with subsidiary protection status to a country where, inter alia, he or she would be at risk of being subjected to torture or inhuman or degrading treatment, the Committee remains concerned at reports that individuals are still being returned to countries where they might be subjected to torture. It is also concerned about the effectiveness of the appeals process relating to re-examination of decisions of cessation of subsidiary protection status. The Committee is further concerned that the granting of subsidiary protection is approximately five times more frequent than the recognition of refugee status. Finally, the Committee is concerned that in several cases, the act of

appealing rejected refugee status applications had led to the suspension of subsidiary protection, and that there was a high number of returns during the period under review, including to countries where torture and ill-treatment frequently occur (arts. 2, 3, 11 and 13).

**23. The State party should:**

(a) **Take measures to ensure that no person is returned to a country where he or she might face the risk of torture or ill-treatment;**

(b) **Ensure that beneficiaries of subsidiary protection at risk of losing this status are able to have their cases re-examined before the subsidiary protection ceases by providing for a clear and effective appeals procedure, including review by an independent second-instance body and notification of individuals of their procedural rights in this respect;**

(c) **Compile data on the number of subsidiary protections granted per year, the number of subsidiary protections discontinued or ceased, the number of cases re-examined or appealed owing to the risk of serious damage, and the number of individuals who, as a result of re-examination or appeal, were granted continuation of their protection status;**

(d) **Confirm whether in the implementation of the current laws a person whose asylum application is rejected but who is granted subsidiary protection and then appeals the decision on refugee status would risk being deported while the appeal is pending.**

**Domestic violence**

24. While welcoming the legislative and other measures the State party has taken to address domestic violence (see paras. 5 (b) and (c) and 6 (b) above), in particular the criminalization of all forms of domestic violence, the Committee is concerned at reports of actions or omissions by State agencies or other entities that engage the responsibility of the State party under the Convention. In particular, the Committee is concerned that the number of investigations, prosecutions and convictions remains low. It is also concerned by the lack of data on redress and compensation provided to victims of domestic violence. Similarly, while welcoming efforts to increase the collection of data on domestic violence, the Committee remains concerned about the lack of statistical data on violence against women, disaggregated by sex, age, nationality and the relationship between the victim and the perpetrator, as well as on investigations, prosecutions, convictions, sentences imposed on perpetrators and reparations provided to victims. The Committee welcomes the information provided by the State party that legislation to criminalize harassment and stalking is in the final stages of legal vetting (arts. 2, 4, 6, 12 and 16).

**25. The State party should:**

(a) **Update the Committee about the current state of legal vetting of legislation to criminalize harassment and stalking, and expedite the adoption of the bill to criminalize domestic violence;**

(b) **Enforce the existing legal infrastructure to ensure that reports of violence against women, including domestic violence, are duly investigated, that perpetrators are prosecuted and adequately punished and that victims have access to appropriate redress, including compensation and other reparations;**

(c) **Raise awareness among, and train, law enforcement personnel, social welfare officials, prosecutors and judges on the investigation, prosecution and sanctioning of cases of domestic violence and on creating appropriate conditions for victims to report such cases to the authorities;**

(d) **Ensure that victims of domestic violence benefit from effective protection, including the right to a residence permit, and have access to medical and legal aid, psychosocial counselling and social support schemes;**

(e) **Establish a centralized system of data collection covering all forms of domestic and gender-based violence in order to facilitate risk assessments and improve protection.**

#### **Sexual and gender-based violence against refugee and asylum-seeking women**

26. While taking note of the information provided by the State party during the dialogue on the measures taken to address gender-based violence in the context of migration, the Committee remains concerned at reports of actions or omissions by State agencies or other entities that engage the responsibility of the State party under the Convention, in particular at the reported high incidence of violence, including sexual violence, against refugee and irregular migrant women and girls in Cyprus (arts. 2, 11 and 16).

27. **The State party should:**

(a) **Take effective measures to ensure that all cases of gender-based violence – in particular against refugee, asylum-seeking and migrant women and girls, and especially those involving actions or omissions by State authorities or other entities that engage the international responsibility of the State party under the Convention – are thoroughly investigated, that the alleged perpetrators are prosecuted and, if convicted, punished appropriately, and that the victims or their families receive redress, including adequate compensation;**

(b) **Ensure that police officers and prosecutors refrain from turning away alleged victims of gender-based violence. The State party should also consider revising police practices that may deter women from seeking protection from the authorities in cases where they have been subjected to or are at risk of gender-based violence;**

(c) **Provide mandatory training on prosecution of gender-based violence to all justice officials and law enforcement personnel and continue awareness-raising campaigns on all forms of violence against women;**

(d) **Adopt specific protective measures to prevent and respond to sexual and gender-based violence against refugee, asylum-seeking and migrant women and girls held in reception centres and other immigration detention facilities;**

(e) **Ensure that survivors of gender-based violence are able to access shelters and receive the necessary medical care, psychological support and legal assistance they require.**

#### **Trafficking in persons**

28. While welcoming the legislative and other measures taken to strengthen the prevention and prosecution framework in relation to trafficking in persons (see paras. 5 (a) and 6 (a) above), such as amendments to the trafficking law that have increased penalties for the offences therein, and the establishment of a national referral mechanism, the Committee remains concerned at the lack of data collection on, and analysis to evaluate, the impact of preventive measures and the degree to which public officials are involved in trafficking. The Committee regrets the lack of information on the means of redress provided to victims of trafficking in persons in terms of social, medical and legal support (arts. 2, 12, 13, 14 and 16).

29. **The State party should continue its efforts to combat trafficking by:**

(a) **Vigorously enforcing the new legislative framework by promptly, effectively and impartially investigating and prosecuting trafficking offenders, including officials involved, convicting those found responsible and punishing those convicted with appropriate sanctions;**

(b) **Formulating clear guidelines and providing specialized training to the police, prosecutors, judges, immigration officers and social workers on the identification of individuals in need of international protection, including victims of torture, ill-treatment and trafficking; on effective investigations; on prosecutions; and on punishment for acts of trafficking;**

(c) **Providing an effective remedy to all victims of the crime of trafficking, ensuring prompt and adequate psychological support, medical care, access to welfare benefits and work permits for such victims, irrespective of their ability to cooperate in the legal proceedings against traffickers and irrespective of their migration status;**

(d) **Providing the Committee with the requested annual statistical data on cases of trafficking within the reporting period, in particular information on how many State officials have been investigated, prosecuted and/or sentenced for complicity in trafficking in persons.**

#### **National preventive mechanism**

30. The Committee welcomes the updated information received on the measures taken to provide the office of the Commissioner for Administration and Protection of Human Rights (the ombudsman) with the financial, technical and human resources necessary to fulfil the broad mandate of the office on a fully independent basis, in particular its functions as the national preventive mechanism. It notes that those measures include the parliament's approval of the provision of four additional staff members for the office of the ombudsman by the end of 2019, and amendments to provisions relating to the national preventive mechanism so as to ensure that the mechanism has the right to access and visit, without any preconditions, any place where persons are or may be deprived of their liberty. It also notes that the visits to places of detention are occurring at a regular and frequent rate, despite funding constraints. The Committee remains concerned, however, about the restricted budget and operating capacities of the national preventive mechanism (arts. 2 and 11).

31. **The Committee urges the State party to take action to adopt the amendments to national legislation broadening the visitation rights of the national preventive mechanism and to ensure sufficient earmarked financial, technical and human resources for the office of the ombudsman as needed in order to carry out all of its functions as the national preventive mechanism effectively and independently.**

#### **Early identification of torture victims, and medical examinations**

32. While welcoming the new procedures outlined by the State party for identifying vulnerable persons, the Committee is concerned by reports indicating a lack of procedures to identify, assess and address the specific needs of asylum seekers, including survivors of torture. It is also concerned about the lack of prompt examination of alleged victims of torture and the lack of procedures to ensure a thorough medical and psychological or psychiatric examination of potential torture victims when signs of torture or trauma are detected during personal interviews of asylum seekers or irregular migrants. The Committee regrets that, according to the State party report (CAT/C/CYP/5, para. 130), statistics concerning the number of victims of torture among asylum seekers are not tracked, and is therefore concerned that a more effective early identification procedure for victims of torture has not been established (arts. 1, 2, 3, 4, 10).

33. **The State party should:**

(a) **Confirm whether the vulnerability assessment procedure is used consistently on every asylum seeker and migrant, and compile data on the number of asylum seekers identified with special reception needs, the nature of the needs and the measures taken to accommodate and protect vulnerable persons;**

(b) **Provide concrete information on whether the procedure on the identification of vulnerabilities, outlined in the State party report, is codified in law, on the procedure's effectiveness post-implementation and on its integration with the current refugee determination system;**

(c) **Urgently improve the screening system to ensure early identification and referral of, and assistance and support for, vulnerable asylum seekers, in particular for victims of torture and ill-treatment;**

(d) **Ensure that members of such groups are provided with immediate rehabilitation and priority access to the asylum determination procedure, and**



monitor and evaluate data regarding, inter alia, the total number of possible victims identified vis-à-vis the total number of asylum seekers;

(e) Inform the Committee about the number of asylum seekers referred to rehabilitation due to torture, and elaborate on the specialized nature and content of the rehabilitation offered;

(f) Take all measures to combat the problem of police abuse, in particular abuse perpetrated during investigations;

(g) Provide regular training on the Istanbul Protocol to forensic doctors, medical personnel and other officials involved in dealing with detainees and asylum seekers in the investigation and documentation of cases of torture;

(h) Ensure that specialized training on the identification of torture is provided to migration officers and the medical council engaged in the initial examination, including on physical and psychological evaluations of survivors of torture and other harm, and ensure the inclusion of tailor-made programmes for certain groups of vulnerable asylum seekers that take into account their particular reception and treatment needs.

#### **Detention conditions**

34. While welcoming the corrective measures taken to improve prison conditions, such as the renovation and upgrading of places of detention, including a new women's wing, and improved access to educational opportunities for detainees, the Committee remains concerned at reports of the use of force by law enforcement officials in places of deprivation of liberty, in particular at the Limassol and Paphos central police stations, and at reported incidents of death, suicide, attempted suicide, verbal abuse, racist behaviour and psychological ill-treatment in police stations, as well as threats of reprisals for making complaints regarding such incidents in places of detention, including police stations. The Committee remains concerned about the situation in the central prison of Nicosia, in particular overcrowding and poor material conditions, lighting and sanitation, as well as about overcrowding in the women's sections and the lack of privacy and health concerns that have been reported. Furthermore, the Committee is concerned about the overreliance on pretrial detention in both law and practice and the lack of non-custodial measures as alternatives to imprisonment (arts. 2, 11 and 16).

35. **The State party should continue its efforts to bring the conditions of detention in places of deprivation of liberty into line with the provisions of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), in particular by:**

(a) **Implementing measures to reduce the reliance on pretrial detention and to encourage the use of non-custodial alternatives, as well as the tracking and evaluation of statistical data, disaggregated by ethnicity and national origin, on the number of pretrial detainees in relation to the total number of persons deprived of their liberty in criminal proceedings, the occupancy rate of all places of detention and the average and maximum duration of pretrial detention;**

(b) **Ensuring that all allegations of torture or ill-treatment received lead to prompt, effective and impartial investigations whenever there are reasonable grounds to believe that acts of torture or ill-treatment have been committed, including investigation of those officials who knew, or should have known, that ill-treatment was occurring and failed to prevent it or report it;**

(c) **Putting in place effective procedures to ensure that: all deaths, suicides and attempted suicides, threats, racist behaviour and abuse by law enforcement officials, and violence in custody are reported to central authorities, and compiling data on such incidents, disaggregated by place of detention and the victim's age, sex and ethnic origin; all findings of criminal responsibility lead to proportional penalties and sanctions; preventive measures are implemented in all places of deprivation of liberty regarding the risk of suicide and violence; and detailed information is collected on the outcomes of investigations into such deaths or injuries, including penalties**

**imposed on the perpetrators of the torture, ill-treatment or negligence that caused the death or the injuries.**

### **Training**

36. While welcoming the training modules that have been offered to police, security and immigration personnel, the Committee urges the State party to develop modules based on the provisions of the Convention and the Istanbul Protocol and on non-coercive investigation techniques and integrate those modules in the periodic and compulsory training programmes for all law enforcement officials, judges, prosecutors and prison and immigration officers and others.

37. **The State party should:**

(a) **Give clear instructions on the absolute prohibition of torture and ill-treatment to all agents and personnel working in places of detention;**

(b) **Develop modules on the provisions of the Convention and integrate them in the periodic and compulsory training programmes for all law enforcement officials, judges, prosecutors and prison and immigration officers and others;**

(c) **Provide regular training on the Istanbul Protocol, emphasizing that torture and ill-treatment often have racist motives, to forensic doctors, medical personnel and other officials involved in dealing with detainees and asylum seekers in the investigation and documentation of cases of torture, and continue to regularly carry out training on non-coercive investigative techniques;**

(d) **Develop and apply a methodology for evaluating the effectiveness of educational and training programmes relating to the Convention and the Istanbul Protocol;**

(e) **Develop a national strategy to ensure that different ethnic and national minorities are better represented at all levels in law enforcement, in particular the police.**

### **Psychiatric facilities**

38. The Committee welcomes: section 10 (1) (g) of the psychiatric care law of 1997, which allows courts to hear the patient or their representative, along with a psychiatrist, before the issuance of any court order for involuntary psychiatric placement; the establishment of the new supportive living homes, which offer support for persons with severe psychosocial disabilities; and the fact that involuntary detention of persons with severe psychiatric disabilities is contingent on an order by a judge. The Committee is concerned, however, at reports about the detention of persons with psychological or psychosocial disabilities with elderly detainees and about the use of chemical and physical restraints. While welcoming the renovations to the Athalassa psychiatric hospital, including the addition of four wings to reduce the crowded conditions, the Committee is concerned that the new law on the management of psychiatric hospitals, which is prima facie undergoing legal vetting, has still not been passed and implemented (arts. 2, 11, 13 and 16).

39. **The State party should:**

(a) **Compile annual data on therapeutic, occupational and rehabilitative treatments offered at the Athalassa psychiatric hospital as a safeguard against torture and ill-treatment;**

(b) **Ensure that laws are in place to regulate psychiatric facilities as regards their use of physical, mechanical and chemical restraints and isolated psychiatric care, collect data on the use of such measures, and update the Committee on any plans to create a central register on the use of restraint measures;**

(c) **Ensure that persons with psychosocial disabilities are not detained with other individuals, such as the elderly, to protect individuals from situations in which the former may cause harm to others or themselves;**

(d) **Ensure that every patient, whether hospitalized voluntarily or involuntarily, is fully informed about the treatment to be prescribed and is given the opportunity to refuse treatment and any other medical intervention, and that involuntary placements are always as the result of a court order by a competent judge and subject to automatic periodic review;**

(e) **Compile statistical data relevant to complaints of, investigations into and prosecutions and convictions for torture and ill-treatment, restraint measures used, deaths in custody and compensation and rehabilitation provided to victims;**

(f) **Compile statistics on the number of individuals being held involuntarily and the means of challenging such detention, as well as on the number of complaints received each year challenging the legality of such detention.**

#### **Missing persons**

40. While welcoming the work of the bicomunal Committee on Missing Persons in Cyprus, the Committee remains concerned about the lack of information regarding redress afforded to relatives of victims and the measures taken to investigate cases of missing persons and prosecute those responsible. The Committee is concerned that the Committee on Missing Persons in Cyprus is not empowered to grant redress to the relatives of the missing persons, and that the overall approach is a humanitarian rather than human rights-based approach.

#### **41. The State party should:**

(a) **Continue to provide support to the Committee on Missing Persons in Cyprus and take further steps to investigate all outstanding cases of all missing persons in an effective, transparent, independent and impartial manner;**

(b) **Ensure the right to truth regarding the circumstances of disappearance, including access to information on the progress and results of investigations and participation in relevant proceedings;**

(c) **Redouble efforts to guarantee that the relatives of missing persons identified by the Committee on Missing Persons in Cyprus receive appropriate redress (see general comment No. 3 (2012) on the implementation of article 14);**

(d) **Ensure access by victims, their legal counsel and relevant judges to judicial remedies and evidence concerning acts of torture or ill-treatment (see general comment No. 3, para. 30).**

#### **Military service**

42. The Committee is concerned that minors under the age of 18 are being conscripted into military service, as the law relating to the National Guard provides that compulsory military service in times of peace begins as of 1 January of the year the citizen reaches the age of 18. The Committee notes the recent decision of the Minister of Defence to have, as of 2018, one annual National Guard enlistment session each July, thereby reducing the number of compulsorily recruited 17-year-olds. However, it notes with deep concern that the National Guard law maintains compulsory recruitment of persons who have not yet reached the age of 18, thus increasing the risk of cruel, inhuman and degrading treatment (arts. 11 and 16).

**43. The State party should review and amend the law relating to the National Guard to ensure that children under the age of 18 are never subject to compulsory or voluntary recruitment, in the interest of protecting all children from direct involvement in armed conflict.**

#### **Redress, including compensation and rehabilitation**

44. The Committee is concerned that current laws and practices do not make available effective reparative measures for victims of torture and ill-treatment. While noting that some law enforcement personnel have participated in training on handling victims of torture and ill-treatment, the Committee is concerned at the lack of compensatory or rehabilitation measures provided through civil action initiated by victims. It similarly notes

with concern the lack of specific rehabilitation programmes provided to victims in the form of medical and psychological assistance or annual resource allocation for compensatory reparations. The Committee is concerned about the lack of provisions on redress for victims of torture and ill-treatment in Law 9 (I)/2006, the lack of specifically designed rehabilitation programmes for victims of torture and ill-treatment, and the lack of long-term rehabilitation for victims. Lastly, the Committee is concerned about the lack of protective measures, and diverse forms of redress (restitution, satisfaction, restoration of dignity and reputation, guarantees of non-repetition), available to victims and their families under Law 9 (I)/2006 and other laws (arts. 10 and 14).

**45. The Committee draws the attention of the State party to general comment No. 3, in which the Committee explains the content and scope of the obligation of States parties to provide full redress to victims of torture. The State party should:**

**(a) Establish rehabilitation programmes for victims in the form of medical and psychological assistance and/or annual resource allocation for compensatory reparations;**

**(b) Review the existing procedures for seeking reparation, including by civil action and other legal means, in order to ensure that they are accessible to all victims of torture and ill-treatment, and take measures to amend Law 9 (I)/2006 and other relevant legislation;**

**(c) Ensure full compliance with article 14 of the Convention, and provide the Committee with information on redress and compensation ordered by courts, including the number of requests made for compensation, the number granted and the amounts ordered and actually paid per year, as well as on ongoing rehabilitation efforts, including medical and psychological assistance and the resources allocated for that purpose.**

#### **Follow-up procedure**

**46. The Committee requests the State party to provide, by 6 December 2020, information on follow-up to the Committee's recommendations on measures to combat the problem of police abuse, in particular abuse perpetuated during investigations, on ensuring legal recourse for asylum seekers and irregular migrants who have lost the protection of suspensive effect, and on improving the screening system to ensure early identification, referral, assistance and support for vulnerable asylum seekers, in particular for victims of torture and ill-treatment (see paras. 11 (b), 19 (b) and 33 (c) above). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the concluding observations.**

#### **Other issues**

**47. The Committee takes note of the difficulties in making all rights of the Convention a reality in all parts of the State party, and invites the State party to pursue all efforts to put an end to the situation through dialogue, with the support of the international community.**

**48. The Committee invites the State party to ratify the core United Nations human rights treaties to which it is not yet party.**

**49. The State party is requested to disseminate widely the report submitted to the Committee and the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations and to inform the Committee about its disseminating activities.**

**50. The Committee requests the State party to submit its next periodic report, which will be its sixth, by 6 December 2023. For that purpose, and in view of the fact that the State party has agreed to report to the Committee under the simplified reporting procedure, the Committee will, in due course, transmit to the State party a list of issues prior to reporting. The State party's replies to that list of issues will constitute its sixth periodic report under article 19 of the Convention.**