



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

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**Committee against Torture**  
**Sixty-eighth session**

**Summary record of the 1794th meeting**

Held at the Palais Wilson, Geneva, on Monday, 18 November 2019, at 10 a.m.

*Chair:* Mr. Modvig

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(*continued*)

*Fifth periodic report of Cyprus (continued)*

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*The meeting was called to order at 10 a.m.*

**Consideration of reports submitted by States parties under article 19 of the Convention** *(continued)*

*Fifth periodic report of Cyprus (continued)* (CAT/C/CYP/5 and CAT/C/CYP/QPR/5)

1. *At the invitation of the Chair, the delegation of Cyprus took places at the Committee table.*
2. **Ms. Christodoulidou-Zannetou** (Cyprus) said the Constitution protected the liberty and security of person, fundamental legal safeguards and the right to a defence. Any person who was arrested or detained in contravention of the Constitution had an enforceable right to compensation. Under the Legal Aid Act, free legal aid was provided for, inter alia, criminal cases, human rights violations and cross-border disputes. The provision of legal aid was dependent on a reasonable likelihood of a successful outcome only in cases relating to applications for international protection.
3. Persons handed a life sentence could appeal to the Supreme Court. Where the Attorney General and the Deputy Attorney General so recommended, the President had the authority to alter, suspend or commute all other types of sentences. Convicted persons were eligible to apply for parole after serving 12 years of a prison sentence.
4. Fundamental rights and freedoms were guaranteed in the Constitution. Its provisions had been applied by the judiciary, resulting in binding case law, the first instance of which had been the case of *Yiallourou v. Nicolaou* in the Supreme Court. The judgment in that case had not been codified, since under the case law system in operation it formed the basis for subsequent civil actions.
5. Data would be provided in due course on the number and outcome of civil actions brought against the Government by victims of torture or ill-treatment. It was not possible for victims to sue the State for compensation for acts committed by third persons.
6. The Office of the Ombudsman had its own budget, which it was responsible for managing. Four additional permanent posts had been created in the Office in 2019 with a view to achieving full compliance with the Paris Principles.
7. **Mr. Kasoulides** (Cyprus) said that the Technical Committee on Crime and Criminal Matters was among the 12 committees that had been established by the two leaders of the Cypriot communities as part of the ongoing peace process. According to the most recent Report of the Secretary-General on his mission of good offices in Cyprus (S/2019/883), 246 requests pertaining to crime and criminal matters had been exchanged between the sides through the Joint Communications Room. A workshop on crime and justice matters had taken place in September 2019, with funding from the European Commission and support from the United Nations Peacekeeping Force in Cyprus (UNFICYP). In his submission to the Report of the Secretary-General, the President had strongly encouraged the members of the technical committees to “build on synergies” with a view to “the creation of a conducive environment for the resumption of talks”.
8. **Ms. Andreou** (Cyprus) said that the authorities had successfully completed the renovation of two psychiatric wards and work was due to begin on three more. Plans were also under way for the construction of a new psychiatric hospital. Involuntary hospitalization was regulated by the Psychiatric Care Act and required a court order. Persons hospitalized with their consent were usually accommodated in general hospitals; those who were hospitalized without their consent were placed in psychiatric hospitals. While there was no legislation governing the use of restraints, protocols had been put in place based on recommendations made by the Council of Europe Anti-Torture Committee. Staff involved in restraining patients received mandatory and refresher training on techniques and de-escalation measures. The authorities were working towards setting up a central system to record the use of chemical restraints.
9. The Government was developing a new legal framework for the regulation of social care homes, given that the current one had been designed for the provision of services to

elderly persons and did not serve the needs of persons with intellectual disabilities. A project launched in 2017 with €6 million of funding from the European Social Fund was intended to create 10 supported living homes, 7 of which would cater to the needs of persons with intellectual disabilities.

10. With regard to domestic work, the time limit for employment in that sector had been abolished for foreign nationals from outside the European Union. Domestic workers could file complaints of violations of employment contracts with the Labour Disputes Committee through any District Labour Office. In the 680 cases dealt with in 2018, 385 persons had been released from their contracts. In 2018, the authorities had inspected 128 private employment agencies and had revoked the licences of a number of them. The Government had recently begun efforts to move towards the ratification of the International Labour Organization Domestic Workers Convention, 2011 (No. 189).

11. Unaccompanied minors were placed under the care of the Director of Social Welfare Services immediately upon entry to Cyprus. They were accommodated in foster or residential care and had the same rights as other children in the country.

12. **Ms. Neocleous** (Cyprus) said that the Act on the Prevention and Combating of Trafficking and Exploitation of Persons and the Protection of Victims had been amended in 2019 to facilitate cooperation between victims and the authorities. In the 2018 Trafficking in Persons report issued by the Department of State of the United States of America, Cyprus had been upgraded to Tier 1 status owing to the increase in trafficking-related convictions and improvements in victim protection services and staff training programmes. For the duration of the criminal proceedings against the perpetrators of trafficking, the victims were entitled to a temporary residence permit, emergency medical treatment and minimum living expenses. Upon completion of the proceedings, persons who would be at risk if repatriated could obtain a residence permit on humanitarian or other grounds. In 2018, 89 humanitarian permits had been granted, 41 of them to victims of trafficking mostly from Ukraine, Cameroon and Romania. Among those victims, 18 were women who had been sexually exploited, while 2 women and 1 man had been subjected to labour exploitation.

13. Persons holding subsidiary protection status were protected from refoulement. If such persons no longer faced a real risk of serious harm and had their status withdrawn, they could appeal before the International Protection Administrative Court. The Court was obliged to assess any new information provided by the applicant. Between 2014 and 2019, subsidiary protection status had been granted to 6,449 persons in 3,929 cases. During that period, 96 persons had been granted refugee status on appeal and 447 had been granted subsidiary protection status. Subsidiary protection status had been granted five times more frequently than refugee status during the reporting period owing to the influx of Syrian nationals, who faced generalized violence rather than personal persecution.

14. Cases involving non-refoulement were examined before the Asylum Service and the International Protection Administrative Court. During the reporting period, the number of returns had dropped from 1,764 in 2015 to just 223 between January and August 2019. The most frequent destinations for forced returns between 2014 and 2019 had been Georgia, India, Viet Nam and the Russian Federation.

15. Free legal aid was available for appeals against denials of applications for international protection and refugee status. It was also provided to nationals from outside the European Union who wish to challenge return or removal orders. Applications for asylum made by persons in detention had an automatic suspensive effect on deportation proceedings. The most recent amendments to the relevant legislation had made provision for the right to remain until all effective remedies had been exhausted.

16. The International Protection Administrative Court had been established in June 2019 and had taken over all first instance appeals that had previously been submitted to the Administrative Court. Although it was too soon to make an assessment of the new system, the strict deadlines for the Court's adjudication of appeals procedure had already given rise to more timely processing of asylum-related matters. The Court currently had three judges, a number that was due to increase to five in 2020.

17. A new mechanism to monitor forced returns had begun operations in 2018. Since then, the Office of the Ombudsman had monitored 120 returns and had submitted recommendations for the Government's consideration.

18. The holding cell at the airport was used only when persons subject to deportation faced a lengthy wait for their flight. Police officers were present at all times. All police, migration and other officials involved in conducting forced returns were undergoing training on relevant procedures, including escorting and the use of handcuffs. The training, which was being run by the European Border and Coast Guard Agency (FRONTEX), would be completed by the end of 2019.

19. Procedures designed to identify asylum seekers who had been victims of torture were implemented at an early stage of the application process by the Asylum Service, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the European Asylum Support Office. Applicants who made allegations of torture were referred to the Cyprus Medical Council. In February 2017, with a view to ensuring the full implementation of the Istanbul Protocol, the International Rehabilitation Council for Torture Victims, in cooperation with the European Asylum Support Office, the Ministry of Health and the Asylum Service, had organized a one-month training programme on conducting forensic examinations of alleged torture victims and processing the findings.

20. Asylum seekers could be detained while a decision was made regarding their right to enter the country, where there were reasonable grounds to conclude that an application for international protection had been made solely as a means of delaying deportation proceedings and for reasons of national security or public order. The Government had recently begun to encourage the increased use of alternatives to detention for migrants as laid out in the Aliens and Immigration Act and the Refugee Act. As of 2019, 94 persons had been granted such measures. Since 2014, an accelerated asylum procedure had been in effect, enabling a decision to be reached within 30 days. The procedure had been devised in order to address the influx of asylum seekers. In the past week, 65 new asylum applicants had been detained, which represented 76 per cent of the total. Of those 65 individuals, 7 were Syrian nationals who had been detained for reasons of national security. The remainder were nationals of India, Georgia, Bangladesh and Cameroon.

21. Following a Council of Ministers decision of 14 March 2018, new plans had been introduced to improve conditions at the Kofinou reception centre. Staffing levels had been increased, as had cleaning, security and health services. A coordination mechanism had been established to enable the relevant ministries to work together to address any problems at the centre, with the Office of the United Nations High Commissioner for Refugees holding a consultative role. The centre could accommodate 236 persons, and the average length of stay there was 1 year and 4 months. Two projects had been implemented at the centre to provide activities for preschool children and afternoon study programmes for school-age children.

22. **Mr. Veis** (Cyprus) said that he had circulated to the Committee in writing the statistics requested on domestic violence and racially-motivated hate crimes. The use of handcuffs was regulated in police guidelines. Handcuffs were not used during transportation by air or sea, during medical examinations or to restrain persons with mental impairments. Police custody records included a range of information, including the personal identification details of detainees, the time and date of their arrest and their entry to and exit from the place of detention, details of the arresting officer and a description of any obvious wounds or injuries upon arrival and upon departure.

23. The maximum length of police detention was three months to allow the police enough time to conduct their investigations. In most cases, persons were held for fewer than eight days, and it was rare for the period of detention to exceed one month. Once the case had been brought to court, the judge decided whether or not the accused should be held on remand at the Central Prison.

24. The police supported the repealing of article 30 of the Law No. 163(I)/2005 on the Rights of Arrested and Detained Persons, which prescribed criminal sanctions for persons who abused the right to medical examination or treatment, and the Ministry of Justice and Public Order would submit a proposed amendment of the law to Parliament in due course.

In the meantime, the police had removed references to that article from documents informing detainees of their rights. No detainee had ever been prosecuted under that provision.

25. Additional windows had been installed at the Limassol and Paphos detention centres to ensure adequate natural lighting and ventilation. Outdoor areas and televisions were available for detainees. Further improvements made at other detention centres included extra recreational and exercise facilities and the removal of glass dividers in meeting areas, in line with the recommendations made by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The creation of outdoor exercise areas and accessibility enhancements for persons with disabilities were under way at three detention centres. According to police records, the Ombudsman had carried out five visits to police detention centres in 2018. A legislative provision allowing the visits to be conducted without prior notice was pending.

26. A medical practitioner and a nurse were on hand at the Mennoyia detention centre 24 hours a day, 7 days a week. Detained persons could be referred to the doctor or nurse and, where necessary, they could receive external medical treatment. In cases of emergency, they were transferred to a public hospital. In the event of claims or indications of ill-treatment, detainees were examined by a forensic doctor within 24 hours, who then submitted a report on any findings that were consistent with ill-treatment to the Attorney General. The competent authority for investigating such cases was the Independent Authority for the Investigation of Allegations and Complaints against the Police. The Independent Authority had found that there had been no genuine cases of ill-treatment at the Mennoyia detention centre.

27. Where needed for evidence purposes, photographs were taken during medical examinations, on the instructions of the examining doctor, by police officers who had undergone extensive specialist training. In case of any allegations of ill-treatment by the police, the medical report and any photographs taken were submitted to the Attorney General or the Independent Authority and any parallel police investigation into the same facts was suspended. At present, 7 investigations into ill-treatment by police officers were under way; 30 court cases were pending and 3 officers had been convicted. Children were not held in detention for entering or staying in the country illegally.

28. Training courses on detainee's rights under the Convention were compulsory at the Cyprus Police Academy. Law No. 235/90 on the ratification of the Convention had been amended in 2017 to increase the applicable penalties for offences under the Convention when they were committed by police officers, following an incident of ill-treatment of a detainee by two police officers, both of whom had received prison sentences.

29. According to police records, in October 2015, the captain of a ship registered in Panama and sailing under the Panamanian flag had been arrested as a result of a court order. He had been cautioned and interviewed in his mother tongue, summonsed to appear in court the following day and then released after his hearing. Proficiency in English was a prerequisite for joining the police force and English was extensively taught at the Cyprus Police Academy with a strong emphasis on legal terminology.

30. There had been two cases of human trafficking for sexual exploitation involving three police officers. One of the cases, which involved two police officers, was currently being heard by the courts. The immigration status of victims of trafficking who did not cooperate with the authorities and who did not wish to be repatriated was reviewed on a case-by-case basis. Criminal proceedings were not required to identify victims of trafficking. There had been cases where residency and work permits had been granted to trafficking victims on humanitarian grounds.

31. Earlier in 2019, the Chief of Police had ordered data to be gathered on cases where detainees applied for legal aid during the investigation stage. The information was expected to become available in due course.

32. The police worked with 15 human rights NGOs in accordance with a memorandum that allowed the NGOs to visit places of detention. Two NGOs had recently organized training courses for police officers on hate crimes. The police had also participated in a

round-table discussion with Accept-LGBT Cyprus on issues related to the rights of lesbian, gay, bisexual, transgender and intersex persons. In the very near future, the Chief of Police would hold a meeting with women's rights organizations on combating violence against women and compliance with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).

33. **Ms. Dimitriou** (Cyprus) said that a number of measures had been introduced to address prison overcrowding, including a more extensive use of early release schemes and community service as an alternative to detention for offences that carried sentences of less than 6 months. Further permanent solutions to the problem would be discussed in the near future. For the period under review, 49 inmates had been granted conditional release and 11 inmates had been placed under electronic monitoring. Furthermore, prisoners nearing their release date were allowed to spend public holidays at home. The problem of overcrowding existed in the pretrial wings of closed male prisons, where 141 pretrial inmates were accommodated in prisons with a capacity of 114. In 2017, the problem had been solved for the female prison population with the creation of a new women's wing, with capacity for 71 prisoners.

34. Urgent appointments with gynaecologists were arranged immediately and, in non-urgent cases, they were made within a maximum of one month. All female prisoners were provided with a range of gender-specific health services, including breast cancer screening and Pap smears. New prison inmates underwent medical screening procedures on the same day of admission. When prisoners arrived outside of the doctor's working hours, the examination was carried out by nursing staff employed by the Ministry of Health. If signs of ill-treatment were found, the inmate was transferred to hospital for a medical and psychological evaluation in accordance with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). The Independent Authority for the Investigation of Allegations and Complaints against the Police was then informed within 24 hours in order to conduct an investigation. Upon admission and during imprisonment, all inmates had the right to notify a third party, to access a lawyer and a doctor and to lodge complaints of any ill-treatment they received. During the period under review, 30 cases of ill-treatment had been referred to the Independent Authority, of which 16 concerned foreigners and 14 Cypriots.

35. Medical files were always kept separately from the inmate's prison records. The information was stored in a secure manner in accordance with data protection laws and it was shared only on a need-to-know basis. Prison staff did not generally have access to medical files. All inmates were registered upon admission to prison and the information stored in their records was disclosed to their lawyers, embassy or consular representatives or family members only with the prisoner's written consent. Neither the prison guards who escorted the new inmate to their cell nor other inmates were informed of the results of the initial medical examination; only the prison officer who carried out the initial screening upon admission and the prison managers who were responsible for classifying the inmate were aware of that information.

36. Accurate information on the number of juveniles in detention had been supplied to the Subcommittee on Prevention of Torture; however, after the information had been submitted, an additional two juveniles had been admitted to other prison wings on the instructions of the mental health services. One of them had been placed in the unit for vulnerable inmates, and the other in a block for pretrial prisoners with his relatives, since that was considered to be in the interests of his psychological health. The minors had been registered in the records for their respective prison wings.

37. Policies and procedures were in place for the prevention of ill-treatment and violence in prisons and the recording of such incidents. Over the previous five years, great improvements had been made to the prison system, including better sport and leisure activities and greater contact with the outside world through family visits and unlimited daytime telephone calls. There were also treatment and rehabilitation programmes for drug addiction, suicide prevention strategies, procedures for the prevention of violence and effective complaints mechanisms.

38. As part of anti-corruption efforts, five prison officers had been arrested for smuggling contraband, including drugs, into prisons: two of them had been charged for possession of illegal drugs, one for possession and procurement of drugs, and the remaining two for conspiracy. Overall, the prison reforms had led to a significant drop in suicidal and violent incidents in prison, which is reflected by the statistical data available. A procedure had been established for the prevention and investigation of torture and ill-treatment.

39. Since 2015, eight complaints of ill-treatment had been made by inmates and all had been duly investigated by the police. In three of those cases, the allegations had proved to be false; two of the complaints had been withdrawn; one was still under investigation and the officer concerned had been suspended; one case was pending before the courts and the prison officer had been suspended; the remaining case was under investigation and the officer concerned had resigned. During the period under review, there had been 25 violent incidents between inmates, all of which had been recorded and investigated by the police. By way of comparison, prior to 2014, there had been around 600 incidents every year. In the period under review, there had been only 1 case of suicide among prisoners and there had been 10 cases of self-harm. Prior to that, there had been several hundred cases of self-harm every year.

40. All inmates enjoyed the same standards of health care as the wider population, free of charge and without discrimination. Deaths in prisons were followed by a prompt and impartial investigation carried out by police authorities and the coroner conducted an examination to determine the cause of death. Procedures and safeguards for reporting and investigation of ill-treatment and rape cases were in place in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). In 2015, two prisoners had died and a further two had passed away in 2016 while undergoing hospital treatment. In 2017, three inmates had died and in 2018, one person had passed away. The police investigations and the coroner's examinations had determined that they had not died under suspicious circumstances.

41. During the period under review, there had been two allegations of rape in prisons, which had been immediately investigated by the police. All safeguards for reporting were respected and the protection of the victims was ensured. However, the police and medical staff had found no evidence to substantiate the reports; one of the alleged victims had withdrawn charges after his release and the other had made a false complaint in order to be freed from prison early.

42. In 2016, legal aid had been granted to 45 inmates, and the figure had risen to 46 and 48 in 2017 and 2018 respectively. The Ombudsman had visited prisons 25 times during the period under review – on 5 occasions in 2015, increasing to 9 in 2018 – and had held meetings with 55 prison inmates. It had received only two complaints for ill-treatment, neither of which had been substantiated following the Ombudsman's investigations. Over the previous five years, the prisons had met all the Ombudsman's standards, except with regard to the issue of prison overcrowding.

43. The country had invested heavily in training prison staff on security-related matters and enhancing their skills in recognizing vulnerable inmates, as part of the suicide and violent behaviour prevention strategy. Accordingly, a four-day training course on the Istanbul Protocol had been given to a number of prison officers. Staff who carried out interviews with inmates upon admission received special training on how to build a rapport with new prisoners and how to recognize inmates who presented a suicide risk or who showed signs of ill-treatment. Prison staff also received training on the procedures of the Prisons Department for dealing with victims of ill-treatment; a total of 160 officers had been given such training in the period under review. Ongoing observation of vulnerable prisoners to identify any changes in their behaviour was a key part of the strategy for the prevention of suicides and violent incidents.

44. Vulnerable inmates, including prisoners in need of psychiatric care and those at risk of suicide or self-harm, were housed in a closed prison block for their own protection and for the protection of other inmates. Those prisoners were held there only on the recommendation of the health services, and nurses were on hand 24 hours a day. Conditions in the block had been improved in line with the recommendations of the Subcommittee on

Prevention of Torture and the Council of Europe Anti-Torture Committee, and prisoners held in the block had their own education and sports programmes, in which almost all of them participated. Furthermore, there was a communal room for the inmates and rehabilitation and therapy programmes were available. A complaints box, which was not accessible by prison staff, had been installed by a committee responsible for safeguarding the rights of prisoners.

45. **The Chair** (Country Rapporteur), thanking the delegation for the very detailed information provided, said that a few gaps remained nonetheless. For example, he was still awaiting figures for the number of officials that had been investigated, prosecuted and sentenced for complicity in human trafficking and for the number of cases of alleged or suspected torture or ill-treatment that had been identified as a result of medical examinations. A more detailed explanation of the rules on handcuffing during medical examinations would also be helpful. He would particularly like to know how often handcuffs were used and whether their use was at the discretion of the doctor or a police officer. He wished to highlight that handcuffing on the order of a police officer, or indeed the mere presence of a police officer, could be a breach of medical confidentiality. It could also be considered inappropriate for a police officer to take forensic photographs, especially if the alleged perpetrators of the torture or ill-treatment were themselves law enforcement officers. Furthermore, he was not reassured by the explanation that medical information was disclosed solely on a “need-to-know” basis because there was no clear guidance as to how that “need” should be determined. He would therefore like to know what mechanisms the State party used to guarantee confidentiality and ensure that detainees were always consulted prior to the disclosure of any confidential information. The State party might wish to accord additional attention to that area of procedure.

46. He also had concerns about the lack of a centralized system for recording data about fundamental legal safeguards. For example, the State party was unable to indicate what percentage of detainees were able to consult their lawyer or contact a relative within three hours of their arrest because that information was not recorded, even though good practice dictated that all such information should be logged in detention records signed by the police officer, the lawyer and the person under arrest. He wished to know whether there was any form of national register of detainees that could be used to look up dates of arrest and reasons for detention, for example, and, if not, whether the authorities planned to develop a system of that kind.

47. He had been reassured to learn that vulnerable persons who could not afford to pay for a lawyer were generally granted legal aid, but he was concerned that such persons had to petition the court in order to obtain free assistance. As that process inevitably delayed access to a lawyer, he suggested that the State party should review that requirement. He was likewise encouraged to hear that most of the national preventive mechanism’s recommendations for places of detention had been addressed and that detention conditions at Limassol police detention centre had been improved. He wondered whether the delegation could confirm that conditions in all police detention centres were now of an acceptable standard. He would also like to know when procedures for the appointment of the Ombudsman would be adjusted to comply with the Paris Principles.

48. The delegation should indicate whether a person’s eligibility for refugee status was thoroughly examined when subsidiary protection was granted, whether detailed records were kept of deportation proceedings that covered use of detention and use of force, and whether those records could be reviewed by an independent body to verify compliance with the rules governing returns.

49. The fact that the State party’s reception procedures did not provide for a distinction to be made between victims of trafficking, persons affected by ill health, age or disability and victims of torture remained a matter of concern. Although undocumented migrants and asylum seekers were referred to a doctor for examination and rehabilitative treatment whenever indications of severe torture were identified, it was not clear how such judgments were made, or by whom. There was therefore substantial room for improvement in that area also.



50. **Mr. Hani** (Country Rapporteur) said that it was still not clear to him why so little progress had been made in investigating the disappearances of the 2,002 persons reported missing during the conflict, finding their remains and bringing those responsible to justice. There should be no obstacles to legal proceedings as the identities of the disappeared were well documented and witness statements had been taken. Given the extreme suffering associated with enforced disappearances, justice was essential not just for the families affected but for the two communities as a whole. He wondered whether the State party had considered extending an invitation to the Working Group on Enforced or Involuntary Disappearances, whose experts could bring valuable expertise to facilitate any legal proceedings.

51. He was encouraged to hear that all fundamental legal safeguards, including access to legal aid, applied to all migrants irrespective of their status. Persons seeking international protection were the sole exception to the rule, being required to demonstrate that their application had a reasonable chance of success before legal aid was granted. Since that requirement could constitute a significant obstacle, the State party should give due consideration to its removal. In addition, the State party should indicate what percentage of undocumented migrants arriving in Cyprus were placed in detention and what percentage benefited from non-custodial alternatives. It should also clarify whether detention was routine or a measure of last resort only.

52. Further clarification regarding procedures for admission to psychiatric facilities would also be helpful. Involuntary admission should be possible only by order of a judge, yet it appeared that medical personnel had discretion to decide whether or not a court order was necessary. He would also like details of the complaints mechanisms available to residents of social care homes, including supported living homes, which tended to be privately managed but remained the responsibility of the State, and of the guarantees against ill-treatment that the non-governmental organizations subcontracted to manage two of the country's six homes for unaccompanied minors had been required to provide. The State party should also comment on what was being done to halt the use of improvised physical constraints, such as items of clothing, and to ensure that the absolute prohibition of prolonged periods of solitary confinement in all places of deprivation of liberty was respected.

53. He wished to know whether a full investigation had been carried out following allegations of police ill-treatment made by a Turkish Cypriot ship captain who had been arrested in Larnaca and in other similar cases in which abusive treatment by police officers had been alleged. He would also like to know whether law enforcement officers accused of misconduct were automatically suspended or assigned to other duties while their cases were being investigated, and what action had been taken to address the complaints of ill-treatment lodged by a Kenyan citizen who had been deported in 2007 and by a Turkish citizen who had allegedly been apprehended and beaten by a police officer close to the Green Line.

54. With regard to conditions of detention, he would like details of any plans to replace the shared dormitories in which women prisoners were frequently housed with accommodation that would better safeguard their privacy. More generally, he would appreciate assurances that Nicosia central prison had benefited from improvements to material conditions on a par with those made in the country's police detention centres. He was also still awaiting details about the non-coercive investigatory training offered at the Cyprus Police Academy, the instructions for law enforcement personnel that set out the absolute prohibition of torture, and the situation of foreign nationals awaiting transfer to their country of origin to serve their sentences. Figures attesting to the composition of the police force by sex and ethnicity were also needed, and the State party should indicate what methods were being used to reduce the reportedly excessive amounts of medication being provided to undocumented migrants in Mennoyia detention centre and whether it planned to amend the law so that young persons could not begin military service before their eighteenth birthday. Lastly, he wondered whether the State party had considered contributing to the United Nations Voluntary Fund for Victims of Torture and whether any efforts had been made to raise awareness of the fund among civil society organizations.

55. **Mr. Rodríguez-Pinzón**, recalling that the delegation had indicated that it was able to provide statistical data on compensation paid to torture victims who had brought claims against the State, said that the Committee would be grateful to receive that data, disaggregated by year and amount paid, so that it could assess the efficacy of the civil reparation scheme. He regretted that the delegation was unable to provide parallel data for claims brought against third parties, whether in separate civil cases or as part of criminal proceedings, as it was important to have a complete picture. He therefore urged the State party to develop a data-collection model that also encompassed claims against third parties.

56. **Ms. Belmir** said that she would like to know what had been done to address the ill-treatment of migrant domestic workers and the confiscation of their identity documents. She wondered whether the practice of placing foreign nationals detained under immigration legislation in police stations had been ended. She would appreciate comments on allegations that in such cases the foreign nationals were often subjected to verbal abuse by police officers and that the resulting investigations were ineffective. She had been informed of the case of a Sierra Leonean national who had been expelled from the country although his case was pending before the Supreme Court and wished to know whether that was an isolated instance or a common occurrence.

57. **Mr. Hani** said that it would be useful to have more information on the committees established to handle complaints made by persons held in migrant detention centres, including the number of such complaints and their outcomes.

*The meeting was suspended at 12.10 p.m. and resumed at 12.25 p.m.*

58. **Mr. Kasoulides** (Cyprus) said that prosecutions in cases of missing persons were pursued when the Attorney General decided that sufficient evidence was available. The European Court of Human Rights had found that investigations in such cases were impartial, transparent, independent and effective. In the case of *Cyprus v. Turkey*, the Court had ruled that Turkey had effective overall control of northern Cyprus and therefore bore responsibility for violations of human rights in that territory. That meant that the Government did not have access to the entire country for the purposes of investigation. It had established the Committee on Missing Persons in Cyprus to achieve the greatest possible cooperation with the authorities in the occupied area. In general, the Turkish authorities refused to investigate. The Government followed the proceedings of the Working Group on Enforced or Involuntary Disappearances with interest but would not be in a position to guarantee access to the whole island if it issued an invitation. He believed that other countries could learn from the experience of Cyprus in negotiating with a regime it did not recognize.

59. **Mr. Veis** (Cyprus) said that, when medical evidence was required to prove ill-treatment on the part of the police, the examinations were conducted by forensic medical personnel. However, to ensure the admissibility of evidence, any photographs were taken by police officers. In court, the police photographer merely submitted the photographs as evidence; the medical examiner then provided the necessary explanations. Similarly, the independent authority that investigated allegations of police misconduct had previously sought the assistance of a specialist police interviewer to obtain recorded video statements from child witnesses, because the independent investigators lacked the necessary skills. Handcuffs were not used during medical examinations, unless it was necessary to mitigate the risk of escape or to ensure the safety of the medical personnel.

60. The police had a database containing all information related to detention, with different levels of access for different users. Improvements to detention conditions had already been made in several facilities and would continue. Two cases of police officers accused of involvement in trafficking in persons were currently before the courts; there had been one previous prosecution. He was not aware of any complaint lodged with the competent authorities in relation to the captain of the Panama-registered ship.

61. Citizenship was a prerequisite for recruitment to the police and men must also have completed their national service in the army. The only data collected on ethnic or religious diversity in the police concerned the constitutionally recognized religious minorities. The proportion of women had risen to 25 per cent and was expected to increase further.

62. When allegations were made against police officers, the information was relayed to other competent authorities such as the Attorney General or the Independent Authority for the Investigation of Allegations and Complaints against the Police. The internal affairs service of the police, which investigated cases of corruption, also informed the Attorney General to enable independent action. The chief of police often suspended police officers under investigation or transferred them to other positions, while ensuring that any such measures taken during the investigation stage were not seen as punitive.

63. **Ms. Dimitriou** (Cyprus) said that, five years previously, the Director of the Prisons Department had ordered the transformation of the solitary confinement unit into a close supervision unit for vulnerable inmates. Since then, solitary confinement had been applicable only to persons sentenced to life imprisonment for whom no other sanction was available. It had been imposed in just two cases, for no more than 10 days to be served in the prisoners' own cells. The sanction did not affect access to legal representation or consular assistance. The 30 and 20-day punishments that had been imposed did not constitute solitary confinement. In those cases, the prisoners had participated in all activities as usual except that they had returned to their cells at 6 p.m. instead of 9 p.m. Pursuant to the Prisons Law, prisoners could also be confined to their own cells or to special increased supervision cells for the purpose of an investigation and for a maximum of six days. Such investigative measures were officially recorded and subject to the approval of the prison administration.

64. Persons sentenced to life imprisonment had access to rehabilitation programmes and participated in training, work and other activities on the same voluntary basis as other prisoners. Like other inmates, they had individual sentence plans drawn up with a committee of education and welfare staff and prison officials. Foreign nationals also participated fully in all prison programmes and activities. Indeed, they constituted 47 per cent of the prison population. The Prisons Department assisted all prisoners to have regular contact with family and friends. Telephone calls and video conferences were organized if they were unable to visit in person, with the vast majority of video calls being made by foreign nationals. Most of the representatives of religious organizations that made regular visits came to see foreign nationals. Consular officials were also given full access. When relatives came from abroad, visits of up to three hours per day were permitted for the duration of their stay in Cyprus. Interpreters were made available when necessary. One third of the foreign nationals in prison were serving short sentences for immigration-related offences such as illegal entry and use of false documents. Therefore, if the proposal to apply alternative measures in such cases that had been submitted to the Parliamentary Committee on Human Rights and on Equal Opportunities for Men and Women was accepted, overcrowding would be reduced substantially.

65. Three new prison dormitories for women had been opened with greatly improved material conditions. The increased capacity had ensured greater privacy. It was planned to build a new facility by the end of 2020 that would include specific accommodation for female pretrial detainees.

66. In 30 cases, newly admitted inmates had been referred for a medical evaluation in accordance with the Istanbul Protocol. In relation to the results of such assessments, "need-to-know" meant that prison officers would not be given detailed information about a medical diagnosis but might be informed that the person was vulnerable and required increased supervision.

67. **Ms. Christodoulidou Zannetou** (Cyprus) said that the Government would endeavour to find a way of collecting data on civil actions brought by victims against third parties that was compatible with data protection regulations and lawyer-client confidentiality.

68. **Ms. Neocleous** (Cyprus) said that a single application for international protection could be made, with either refugee status or subsidiary protection granted depending on the individual circumstances. In all cases, the principle of non-refoulement was respected. The early identification mechanism for vulnerable persons was considered a positive development in the asylum process, to enable support and assistance to be provided at an earlier stage. It had not been established specifically to identify victims of torture. If there

were indications that asylum seekers had been subjected to torture, they were referred to the medical board by the competent officer.

69. Since there was no discrimination in terms of the provision of legal aid to migrants and asylum seekers, no measures to place them on an equal footing were necessary. The philosophy behind the system was to ensure that people in need of protection received it and to distinguish between genuine and false claims. The system also had to comply with the European Union asylum procedures directive. The circumstances in which undocumented migrants could be detained were explicitly stated in the legislation on refugees. Each case was examined individually in a manner ensuring respect for international obligations. Since alternative non-custodial measures had been introduced very recently, no data yet existed on their application. When the administration made decisions on the risk that a person would abscond, it considered a number of factors, including previous deportations, unknown entry into the country, a lack of travel documents and non-cooperation with the police. It was probable that the case of deportation despite a pending Supreme Court case had occurred before the transposition of the European Union returns directive into national law and the introduction of a specific reference to the automatic suspensive effect of such proceedings.

70. **Ms. Andreou** (Cyprus) said that social care homes primarily accommodated older persons and the State social welfare services were responsible for conducting inspections in them and upholding the rights of the residents. However, such homes were not places of deprivation of liberty and no restraints were used. Chemical restraints were in use in psychiatric hospitals, but those were under the responsibility of the Ministry of Health and would be covered in the written replies. The NGO Hope for Children, which ran two shelters for unaccompanied minors, was very active in ensuring that the rights of all children in Cyprus were respected. Nonetheless, the social welfare services remained the guardian of the minors, worked closely with the staff of the shelter in handling cases and conducted inspections of the facilities. The complaints mechanism for domestic workers mainly received reports about issues such as working hours and wages. If any complaints were made of violence, sexual exploitation or the confiscation of travel documents, they would be referred to the police.

71. **Mr. Veis** (Cyprus) said that police investigations into sudden or unnatural deaths in detention facilities were conducted as part of an inquest ordered by a court, with the final ruling on the cause of death to be made by a judge, although investigations might be carried out in parallel if indications were found of a criminal offence or medical malpractice.

72. **Ms. Christodoulidou Zannetou** (Cyprus) said that she had been disappointed by the failure of NGOs to submit shadow reports but thought that it might reflect the positive steps that had been made towards torture prevention. She and her team, together with all relevant stakeholders, would do their utmost to further improve the record of Cyprus in the promotion and protection of human rights.

73. **The Chair** thanked the delegation for its comprehensive replies and hard work in ensuring a constructive dialogue.

*The meeting rose at 1 p.m.*