

# Criminal Detention in the EU Conditions and Monitoring

Update of FRA's Criminal Detention Database  
(FRANET)

**Cyprus  
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## Part I: National standards

### 1. Cells

a) **Cell space:** What is the national standard for cell space available to detainees in m<sup>2</sup>? Are the calculation requirements spelled out by the CJEU in its *Dorobantu* ruling<sup>1</sup> observed?

The central prison is used to detain convicted persons serving a sentence as well as persons awaiting trial. Some persons awaiting trial may be detained temporarily in police station cells, where the standard varies from one police station to the other. Police cells may also be used in order to detain persons serving a sentence for up to 15 days.<sup>2</sup>

The size of individual prison cells at the Central Prisons must be no less than 7 m<sup>2</sup>, the size of communal wards must be of such size so that at least 4 m<sup>2</sup> accrue to each detainee.<sup>3</sup> This standard is compliant with the calculation requirements of the CJEU ruling in *Dorobantu* which set a presumption of violation of Article 3 of the ECHR when the personal space available to a detainee is below 3 m<sup>2</sup> in multi-occupancy accommodation. The prison authorities report that they seek to ensure a personal space of four square metres per person in multi-occupancy cells.<sup>4</sup>

The law on the rights of persons detained in police detention cells does not spell out the size of the cell; it merely provides that the cell must be of a 'reasonable size'.<sup>5</sup>

b) **Cell equipment, furniture and facilities:** Are there any national standards for cell equipment (heating, ventilation, cooling, etc.), furniture (bed, mattress, shelf, wardrobe, seating, table, etc.) and/or facilities (lighting, incl. windows, washbasin, toilet, shower etc.), including any measurements? If so, what do they require?

*The standards applicable at the Central Prison:*

The buildings must have natural sunlight, air circulation and space to move. Detainees must have individual cells to the extent that this is possible. When this is not possible, detainees reside in wards of up to five persons. Individual cells must have a bed, a table, a chair and a wardrobe. Each cell must have a bed, a chair and a wardrobe for each detainee and a common table for all detainees. Bed sheets and towels are provided for each detainee but detainees are also permitted to bring their own. The windows of all cells and wards must ensure good lighting and good ventilation.<sup>6</sup> In each section there must be a 'satisfactory' number of showers with hot and cold water, a satisfactory number of toilets.<sup>7</sup> Bathrooms in some wards are commonly used whilst in others there are private washbasins, toilet and showers inside the cells. The isolation cells must

<sup>1</sup> For the CJEU's calculation requirements please see: CJEU, [C-128/18, Dorobantu](#) [GC], Judgment of 15 October 2019, oper. part.

<sup>2</sup> Cyprus, Law on prisons ([Ο περί φυλακών Νόμος](#)) N.62(I)/1996, article 4.

<sup>3</sup> Cyprus, Prison (General) Regulations of 1997 [[Οι περί Φυλακών \(Γενικοί\) Κανονισμοί του 1997](#)] issued under the Prison Laws, No. 121, 18 April 1997, article 58(8).

<sup>4</sup> Letter from the Prison Authorities to the FRANET contractor, 28 June 2021.

<sup>5</sup> Cyprus, Law on the rights of persons suspected, arrested or in custody of 2005 ([Ο περί των Δικαιωμάτων Υπόπτων Προσώπων, Προσώπων που Συλλαμβάνονται και Προσώπων που Τελούν υπό Κράτηση Νόμος του 2005](#)), article 19.

<sup>6</sup> Cyprus, Prison (General) Regulations of 1997 [[Οι περί Φυλακών \(Γενικοί\) Κανονισμοί του 1997](#)] issued under the Prison Laws, No. 121, 18 April 1997, article 58(1)-(7).

<sup>7</sup> Cyprus, Prison (General) Regulations of 1997 [[Οι περί Φυλακών \(Γενικοί\) Κανονισμοί του 1997](#)] issued under the Prison Laws, No. 121, 18 April 1997, article 58(9).

comply with the same standards.<sup>8</sup> No explicit reference is made in the Regulations about mattresses or about heating or cooling. There is however both heating and air-condition as well as hot water all the time, even not foreseen in any regulations or policy papers.<sup>9</sup> According to the prison authorities, there is a central system of air-condition, ventilation and heating. Each cell has a TV set with free subscription, radio, play-station, CD/DVD player. TV sets are available in the commonly used spaces of the wards and in the gyms.<sup>10</sup>

*The standard applicable in police detention cells:*

The law on the rights of persons detained in police detention cells does not spell out details of the cell but merely that they must contain "basic comforts and hygiene conditions, sufficient light and ventilation and suitable rest equipment."<sup>11</sup>

c) **Video-surveillance of cells:** Are there any national standards for video-surveillance of cells? If so, what do they require?

There is no national standard for video-surveillance of cells. Video-surveillance is not sanctioned by any of the legal or policy instruments regulating detention either in the central prison or in police cells. According to the Prison Authorities, there is video surveillance in some of the commonly used areas.<sup>12</sup>

d) **Hygienic conditions in cells:** Are there any national standards with regard to cleaning and/or cleanliness of cells? If so, what do they require?

No particular standards are foreseen in any laws or regulations regarding recurrence of cleaning or cleaning products. The only standard foreseen relates to the central prison where the prison authorities are under a duty to secure the hygiene and good operation of all prison facilities. However, the detainees are under a duty to observe 'instructions and orders regarding the cleaning of common-use and other prison spaces, their individual cells and the joint residence wards.'<sup>13</sup> This applies to all persons detained in the central prison, irrespective of the regime of detention. According to the Prison Authorities, this translates into an obligation on detainees to clean their own cells,<sup>14</sup> a practice criticised by the NPM as regards the police detention cells. There are no standards regulating the provision and cleaning of a detainee's clothes, towels, bed linens or change of mattresses. Prison authorities reports that the all newcomers are supplied with personal hygiene products; these are also regularly supplied to all 'poor detainees', although no details were made available as to how this term is defined.<sup>15</sup> The prison authorities report that they offer to detainees free cleaning materials for cleaning their own cells and the commonly used areas. The cleaning of common areas is performed daily by detainees who apply for the job and who receive remuneration for it. Prison authorities regularly provide detainees with free soap. For every transfer to the hospital or the courts, the prison authorities provide detainees with a personal one-use kit which includes a face mask, gloves, robe, head cap and shoes which are disposed of upon return before entering the prison grounds. All newcomers are admitted with a negative PCR test against COVID-19 and are kept in a special ward where their

<sup>8</sup> Cyprus, Prison (General) Regulations of 1997 [[Οι περί Φυλακών \(Γενικοί\) Κανονισμοί του 1997](#)] issued under the Prison Laws, No. 121, 18 April 1997, article 58(10).

<sup>9</sup> Reporter (2016), ["Το πριν και το τώρα στις Κεντρικές Φυλακές! Η εικόνα από το μαύρο στο άσπρο"](#), 13 July 2016.

<sup>10</sup> Letter from the prison authorities to the FRANET contractor, 28 June 2021.

<sup>11</sup> Cyprus, Law on the rights of persons suspected, arrested or in custody of 2005 ([Ο περί των Δικαιωμάτων Υπόπτων Προσώπων, Προσώπων που Συλλαμβάνονται και Προσώπων που Τελούν υπό Κράτηση. Νόμος του 2005](#)), article 19.

<sup>12</sup> Letter from the prison authorities to the FRANET contractor 28 June 2021.

<sup>13</sup> Cyprus, Prison (General) Regulations of 1997 [[Οι περί Φυλακών \(Γενικοί\) Κανονισμοί του 1997](#)] issued under the Prison Laws, No. 121, 18 April 1997, article 61(1).

<sup>14</sup> Letter from the prison authorities to the FRANET contractor 28 June 2021.

<sup>15</sup> Letter from the prison authorities to the FRANET contractor 28 June 2021.

temperature is checked daily and their health condition is monitored by medical staff until the PCR test is repeated 14 days later. Newcomers will be admitted to the central prison only with a second negative PCR test.<sup>16</sup>

No standards exist as regards hygienic conditions in police cells. The NPM's inspection revealed that in some police detention centres, detainees were made to clean their own cells.<sup>17</sup>

e) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

No separate standards are foreseen for the different detention regimes. The Prison Regulations provide the minimum standard, which must be observed by all categories of prisoners irrespective of the detention regime.

Persons arrested and awaiting trial are detained separately from prisoners convicted by court, if the building capacity allows. They are subjected to only the absolutely minimum restrictions necessary so as not to escape or obstruct investigation or the normal operation of jail.<sup>18</sup>

#### *Detention in police cells*

Pre-trial detention may, for a short period of time take place within police stations. Persons detained by the police must be brought before a judge no later than 24 hours after the apprehension, and the judge must decide, no later than three days thereafter, whether the person must be released or remanded in custody. Remand in custody pending trial must not exceed three months and is usually served in prison. However, a judge may, upon a request by the police, remand a person in police custody for renewable periods of up to eight days to facilitate further police investigation.<sup>19</sup> The law requires that police cells are of a 'reasonable size'.<sup>20</sup> Some police stations may not comply with the above standard.<sup>21</sup>

f) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 1. a) – e), including their respective legal basis.

A Prisons Council appointed by the Council of Ministers<sup>22</sup> examines complaints from detainees and, if it deems it necessary, submits the complaint to the Justice Minister and the Prison Director.<sup>23</sup> The decision of the Prisons Council or the Prison Director is not subject to challenge through the process of judicial review foreseen in the Constitution, but the complainant detainee may be able to sue the Prison Director in the District Court for human rights violations,<sup>24</sup> a procedure that may take up to ten years

<sup>16</sup> Letter from the prison authorities to the FRANET contractor 28 June 2021.

<sup>17</sup> Cyprus National Mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment (2020), '[Review of the action of National Preventive Mechanism for the years 2018 and 2019.](#)' 7 January 2020.

<sup>18</sup> Cyprus, Prison (General) Regulations of 1997 [[Οι περί Φυλακών \(Γενικοί\) Κανονισμοί του 1997](#)] issued under the Prison Laws, No. 121, 18 April 1997, article 36.

<sup>19</sup> Cyprus, Constitution of the Republic of Cyprus ([Σύνταγμα της Κυπριακής Δημοκρατίας](#)), 16 August 1960, Article 11.

<sup>20</sup> Cyprus, Law on the rights of persons arrested and detained ([Ο περί των Δικαιωμάτων Προσώπων που Συλλαμβάνονται και Τελούν υπό Κράτηση Νόμος](#)) N.163(I)/2005, Article 19(1)(c).

<sup>21</sup> European Court of Human Rights, [Khan v Cyprus](#), Application no. 43639/12, 4 December 2018. The ruling refers to detention which took place in 2012.

<sup>22</sup> Cyprus, Law on prisons of 1996 ([Ο περί Φυλακών Νόμος του 1996](#)) N. 62(I)/1996, Article 23.

<sup>23</sup> Cyprus, Law on prisons of 1996 ([Ο περί Φυλακών Νόμος του 1996](#)) N. 62(I)/1996, Article 25.

<sup>24</sup> Cyprus, Administrative Court (2021), A.T. v Ministry of Justice and Public Order ([Α.Τ. v. Υπουργείο Δικαιοσύνης και Δημόσιας Τάξης](#)), Case No. 279/2019, 16 March 2021; Cyprus Administrative Court, [Xenophontos and Plesco](#)

before a decision can be issued.<sup>25</sup> If the claim is successful, the detainee may be awarded damages.

In case of disciplinary proceedings against detainees, the decisions of the prison director must always be justified and recorded in detail in the minutes of the trial and lodged in a summary form in the Registry of Disciplinary Offences and Detainees' Sanctions. The detailed minutes and all written statements and testimonies are recorded in the detainees' personal file.<sup>26</sup>

g) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspects (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference, a list of links can be found via the [OPCAT Database](#).

Cyprus National Mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment (2020), '[Review of the action of National Preventing Mechanism for the years 2018 and 2019](#),' 7 January 2020.

“Κατά την επιθεώρηση των κρατητηρίων/κελιών, διαπιστώθηκε ότι τα παράθυρα των κελιών ήταν καλυμμένα με σιδερένια πλέγματα, τα οποία περιόριζαν αισθητά την είσοδο φυσικού φωτός, και εμποδίζαν τον εξαερισμό του χώρου. Τα κελιά είχαν συρόμενα παράθυρα, αυτά, όμως, άνοιγαν στον κοινόχρηστο (κλειστό) χώρο, με αποτέλεσμα να μην υπάρχει πρόσβαση των κρατουμένων σε καθαρό αέρα. Σιδερένια πλέγματα, καθώς και γυαλί ασφαλείας, υπήρχε και στην οροφή των κοινόχρηστων 32 χώρων όπου οι κρατούμενοι γυμνάζονται και απασχολούνται, με αποτέλεσμα να μην ήταν δυνατή ούτε στους χώρους αυτούς, η πρόσβαση σε φυσικό αερισμό.”

...

Βάσει των πιο πάνω παρατηρήσεων, η Επίτροπος Διοικήσεως κατέληξε στο συμπέρασμα ότι οι υποδομές των Αστυνομικών Κρατητηρίων Πέρα Χωρίου Νήσου, δεδομένου ότι αυτά λειτουργούσαν ως φυλακές, παρουσίαζαν σοβαρές ελλείψεις και ανεπάρκειες και για το λόγο αυτό, ο χώρος δεν μπορούσε να κριθεί συμβατός με τις βασικές αρχές που διέπουν τη μεταχείριση των κρατουμένων και με τα διεθνή πρότυπα για τους χώρους κράτησης. Ειδικότερα, η Επίτροπος Διοικήσεως σημείωσε ότι οι ελλείψεις που υπήρχαν όσον αφορά τον φυσικό αερισμό και φωτισμό του χώρου κράτησης και, κατ' επέκταση, η μη διασφάλιση των κατάλληλων συνθηκών υγιεινής, καθώς και η έλλειψη ουσιαστικής ενασχόλησης των κρατουμένων, καθιστούσαν τον χώρο αυτό ακατάλληλο για κράτηση κρατουμένων που εκτίουν δια βίου ή πολύμηνες/πολυετείς ποινές φυλάκισης.

...

[Following inspection of Aradipou Police Detention Centre on 24 July 2019]

Ειδικότερα, οι ελλείψεις που υπάρχουν όσον αφορά στον φυσικό αερισμό του χώρου κράτησης και τη διασφάλιση των στοιχειωδών συνθηκών υγιεινής καθιστούν τον χώρο αυτό μη συμβατό με τις βασικές αρχές για τη μεταχείριση των κρατουμένων και τα διεθνή πρότυπα που πρέπει να πληροί κάθε χώρος όπου άτομα στερούνται

v. Republic of Cyprus through the Central Prison Director and/or the Justice Minister ([Ξενοφώντος και Plesco v. Κυπριακής Δημοκρατίας, μέσω Διευθυντή Κεντρικών Φυλακών και/η Υπουργού Δικαιοσύνης](#)), Case No. 41/2015, 9 August 2018.

<sup>25</sup> Cyprus, District Court of Nicosia, Christodoulou v. Loizou and Attorney General ([Χριστοδουλου v. Λοΐζου και Γενικού Εισαγγελέα](#)), Case No. 7046/2011, 7 August 2019

<sup>26</sup> Cyprus, Prison (General) Regulations of 1997 [[Οι περί Φυλακών \(Γενικοί\) Κανονισμοί του 1997](#)] issued under the Prison Laws, No. 121, 18 April 1997, article 159.

της ελευθερίας τους. Ως εκ τούτου, υποβλήθηκαν οι ακόλουθες εισηγήσεις όσον αφορά την Βελτίωση των συνθηκών κράτησης και της μεταχείρισης των κρατουμένων: Λήψη μέτρων για την εξασφάλιση φυσικού αερισμού στον χώρο κράτησης, ειδικότερα τροποποιήσεις παραθύρου σε κάθε κελί.

...

[Following NPM inspection at the Kofinou Police Detention Centre 15 July and 6 August 2019]

Περαιτέρω σύμφωνα με πληροφόρησή που είχε η Λειτουργός από τους επί καθηκόντι αστυνομικούς κατά τις επισκέψεις, η καθαριότητα των κελιών γίνεται από τους ίδιους τους κρατούμενους, πρακτική η οποία βρίσκει αντίθετη την Επίτροπο, δεδομένου ότι η ευθύνη για τη συντήρηση και καθαριότητα των χώρων υγιεινής εντός των κρατητηρίων ανήκει στην αρμόδια αρχή και όχι στους ίδιους τους κρατούμενους οι οποίοι είναι υπεύθυνοι μόνο για τη δική τους ατομική υγιεινή... Καταλήγοντας η Επίτροπος στην έκθεση της υπέβαλε τις ακόλουθες εισηγήσεις όσον αφορά την βελτίωση των συνθηκών κράτησης και της μεταχείρισης των κρατουμένων: Τερματισμός της πρακτικής καθαρισμού των χώρων υγιεινής από κρατούμενους και εξεύρεση εναλλακτικών τρόπων καθαρισμού τους για εξασφάλιση κατάλληλων συνθηκών υγιεινής.

...

[Following NPM's inspection visit at the Lakatamia Police Detention Centre, 29 August 2019]:

Όπως διαπιστώθηκε από την επίσκεψη ο κατ' εξοχήν χώρος κράτησης αποτελείται από ατομικά κελιά στα οποία υπάρχει κρεβάτι με σεντόνια, μικρός πάγκος εργασίας, τουαλέτα, νιπτήρας και ντους, όλα αντιβανδαλικού τύπου. Ο χώρος υγιεινής εντός του κάθε κελιού διαχωρίζεται με εσωτερικό τοίχο χαμηλού ύψους που αφενός παρεμποδίζει την ορατότητα του προσωπικού στους χώρους αυτούς και, αφετέρου, διασφαλίζει την ιδιωτικότητα των κρατουμένων κατά την χρήση τους. Παρότι τα κελιά δεν διαθέτουν παράθυρα, σ' αυτά διασφαλίζεται άπλετο φυσικό φως λόγω της αντικατάστασης μέρους της εξωτερικής τοιχοποιίας με υαλότουβλα. Περαιτέρω, από άνοιγμα (οπή) που υπάρχει στο πάνω μέρος της εξωτερικής τοιχοποιίας, διασφαλίζεται ο καθαρός αέρας και ο εξαερισμός των κελιών, ως επιτάσσουν τα διεθνή πρότυπα. Αυτό αποτέλεσε αποτέλεσμα υλοποίησης εισηγήσεων παλαιότερης επίσκεψης που έλαβε χώρα το 2015.

**Extracts from the English report published by the NPM corresponding to the above quotes:**

"During the inspection of the centre/cells, it was found that the windows within the cells were covered with iron grids which significantly restricted the entry of natural light and prevented the ventilation of the area. The cells had sliding windows, but they would open upon the common (closed) area, resulting in detainees having no access to fresh air. Iron grids as well as a safety glass were also installed on the ceiling of the common areas where detainees exercise, thus preventing natural ventilation of these areas too.

...

Based on the above observations, the Commissioner concluded that the infrastructure of the Police Detention Centre of Pera Chorio Nisou, operating as a prison, had severe deficiencies and, for this reason, the place could not be deemed as compatible with the basic principles governing the treatment of detainees and the international standards for places of detention. More specifically, the Commissioner noted that the deficiencies in terms of natural ventilation and natural light of the detention area and, consequently, the lack of proper conditions of hygiene, as well as the lack of substantive occupation and entertainment of the

detainees, rendered the place unsuitable for the detention of detainees serving life sentence or months/years of imprisonment.

...

[Following the NPM's inspection of the Police Detention Centre of Aradipou, 24 July 2019]:

More specifically, the deficiencies in terms of natural light and basic conditions of hygiene render the place incompatible with the basic principles for the treatment of detainees and the international standards for places where people are deprived of their liberty. Therefore, the Commissioner made the following recommendations on the improvement of treatment and living conditions of detainees: Taking measures to ensure natural ventilation of the detention area, modifying in particular the windows in each cell.

...

[Following NPM's inspection at the Kofinou Police Detention Centre 15 July and 6 August 2019]

Furthermore, according to information provided to the Officer by the police officers on duty at the time of the visits, the cleaning of cells is carried out by the detainees themselves, a practice contrary to opinion of the Commissioner, as maintaining the cleanliness of the areas of hygiene within detention centres should be the responsibility of the competent authority and not of the detainees who are solely responsible for their own personal hygiene... Concluding, the Commissioner made the following recommendations on the improvement of treatment and living conditions of detainees: Ending the practice of cleaning the areas of hygiene by detainees and finding alternative ways to ensure their proper hygiene.

...

[Following NPM's inspection visit at the Lakatamia Police Detention Centre, 29 August 2019:

The visit revealed that the main detention area consists of individual cells with a bed with sheets, a small desk, a toilet, a basin and a shower of vandal resistance. The sanitary area within each cell is separated by a low internal wall which obstructs visibility from the staff and ensures the privacy of detainees. Although the cells do not have windows, there is plenty of natural light following the replacement of the exterior masonry with glass bricks. Furthermore, an opening at the top of the exterior masonry provides fresh air and ventilation of the cells as required by the international standards. This was the result of the implementation of recommendations made from an earlier visit held in 2015.

## 2. Sanitary conditions

a) What is the national standard with regard to access to toilets? Are these located in cells? If not, do detainees have access to these facilities without undue delay, even during the night? Do these facilities have to offer privacy to detainees who use them and, if so, in how far?

There are no national standards regarding access to toilets or privacy to detainees who use them. The prison regulations provide that there must be a satisfactory number of



bathrooms with hot and cold water.<sup>27</sup> According to the prison authorities, the common toilets may be accessed 24 hours a day.<sup>28</sup> Persons with disabilities or with severe health conditions are placed in cells with private toilets and washbasins.<sup>29</sup>

Police detention centres must have toilets either within the cell or in commonly use spaces and where the toilets are located within the cell, a partition must be placed to ensure privacy.<sup>30</sup> There are no standards regarding access to toilets where these are located outside the police cell. The prison authorities report that privacy in the use of toilets and showers is secured through the use of a door but did not clarify if the door can be locked.<sup>31</sup>

b) What is the national standard with regard to access to regularly cleaned shower/bathing facilities? How often is this access provided? Do these facilities have to offer privacy to detainees who use them and, if so, in how far?

Prison regulations do not regulate access to toilets or the frequency of cleaning of shower/bathing facilities or privacy in such facilities.

c) What are the national standards with regard to cleaning and cleanliness of sanitary facilities?

There are no national standards regarding the cleaning and cleanliness of sanitary facilities, except that the prison authorities are under a duty to secure their hygiene and good operation. Detainees however are under a duty to observe 'instructions and orders regarding the cleaning of common-use and other prison spaces, their individual cells and the joint residence wards. Detainees must observe the 'generally accepted rules of personal hygiene' and comply with orders and instructions regarding the cleanliness of common and other prison areas, their individual cells and the common occupation cells.<sup>32</sup>

The NPM's inspections of police detention centres revealed a practice of making detainees clean the hygiene areas.<sup>33</sup>

d) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

No separate standards are foreseen for the different detention regimes, but the practice differs from the Central Prisons to the Police Detention Centres, as the governing authorities are different. In the case of police cells, NPM reports revealed problems including the fact that detainees were asked to clean their own cells.

e) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 2. a) – d), including their respective legal basis.

A Prisons Council appointed by the Council of Ministers<sup>34</sup> examines complaints from detainees and, if it deems it necessary, submits the complaint to the Justice Minister

<sup>27</sup> Cyprus, Law on prisons of 1996 ([Ο περί Φυλακών Νόμος του 1996](#)) N. 62(I)/1996, Article 58(9).

<sup>28</sup> Letter from the prison authorities to the FRANET contractor 28 June 2021.

<sup>29</sup> Letter from the prison authorities to the FRANET contractor 28 June 2021.

<sup>30</sup> Cyprus, Police Regulation 5/3 'Handling and rights of detainees' (not available on line).

<sup>31</sup> Letter from the prison authorities to the FRANET contractor 28 June 2021.

<sup>32</sup> Cyprus, Law on prisons of 1996 ([Ο περί Φυλακών Νόμος του 1996](#)) N. 62(I)/1996, Article 16(1)

<sup>33</sup> Cyprus National Mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment (2020), '[Review of the action of National Preventive Mechanism for the years 2018 and 2019.](#)' 7 January 2020.

<sup>34</sup> Cyprus, Law on prisons of 1996 ([Ο περί Φυλακών Νόμος του 1996](#)) N. 62(I)/1996, Article 23.

and the Prison Director.<sup>35</sup> The decision of the Prisons Council or the Prison Director is not subject to challenge through the process of judicial review foreseen in the Constitution, but the complainant detainee may be able to sue the Prison Director in the District Court for human rights violations,<sup>36</sup> a procedure that may take up to ten years before a decision can be issued.<sup>37</sup> If the claim is successful, the detainee may be awarded damages.

In case of disciplinary proceedings against detainees, the decisions of the prison director must always be justified and recorded in detail in the minutes of the trial and lodged in a summary form in the Registry of Disciplinary Offences and Detainees' Sanctions. The detailed minutes and all written statements and testimonies are recorded in the detainees' personal file.<sup>38</sup>

- f) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspects (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference, a list of links can be found via the [OPCAT Database](#).

Cyprus National Mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment (2020), '[Review of the action of National Preventing Mechanism for the years 2018 and 2019](#),' 7 January 2020.

[Following NPM inspection of Police Detention Centre of Aradipou, 24 July 2019]

Ως εκ τούτου, υποβλήθηκαν οι ακόλουθες εισηγήσεις όσον αφορά την Βελτίωση των συνθηκών κράτησης και της μεταχείρισης των κρατούμενων:... Τερματισμός της πρακτικής καθαρισμού των χώρων υγιεινής από κρατούμενους και εξεύρεση εναλλακτικών τρόπων καθαρισμού τους για εξασφάλιση κατάλληλων συνθηκών υγιεινής.

Therefore, the Commissioner made the following recommendations on the improvement of treatment and living conditions of detainees: ... Ending the practice of cleaning the areas of hygiene by detainees and finding alternative ways to ensure their proper hygiene.

### 3. Time out of cell

- a) What is the national standard set for time per day/week spent by detainees outside of their cells:
- Outdoors (within the boundary of the prison)?
  - Indoors in the common area?

<sup>35</sup> Cyprus, Law on prisons of 1996 ([Ο περί Φυλακών Νόμος του 1996](#)) N. 62(I)/1996, Article 25.

<sup>36</sup> Cyprus, Administrative Court (2021), A.T. v Ministry of Justice and Public Order ([Α.Τ. v. Υπουργείο Δικαιοσύνης και Δημόσιας Τάξης](#)), Case No. 279/2019, 16 March 2021; Cyprus Administrative Court, Xenophonotos and Plesco v. Republic of Cyprus through the Central Prison Director and/or the Justice Minister ([Ξενοφώντος και Plesco v. Κυπριακής Δημοκρατίας, μέσω Διευθυντή Κεντρικών Φυλακών και/η Υπουργού Δικαιοσύνης](#)), Case No. 41/2015, 9 August 2018.

<sup>37</sup> Cyprus, District Court of Nicosia, Christodoulou v. Loizou and Attorney General ([Χριστοδουλου v. Λοΐζου και Γενικού Εισαγγελέα](#)), Case No. 7046/2011, 7 August 2019

<sup>38</sup> Cyprus, Prison (General) Regulations of 1997 [[Οι περί Φυλακών \(Γενικοί\) Κανονισμοί του 1997](#)] issued under the Prison Laws, No. 121, 18 April 1997, article 159.

According to the CPT, the Central Prison maintains an open-door regime allowing inmates to be out of their cells from 7 a.m. until 10 p.m. during weekdays and to spend several hours a day in the outdoor exercise yards.<sup>39</sup> This applies to all detainees except those in solitary confinement. Patients in the Central Prison's mental health unit (Block 10) are allowed out of their cells from 6 a.m. until 1.30 p.m. and from 3 p.m. until 9 p.m. daily, but they only have access to the outside exercise yard for one hour per day. Activities are mainly limited to the indoor space of Block 10 and include cleaning, playing football or watching television.<sup>40</sup> The Prison Authorities reported that detainees can be outside their cells between 0600-2100 on weekdays and 0600-2200 on weekends and can be outside their wards between 0700-1730, with access to work places, schools, exercise, activities, visits, therapeutic programs and interventions, depending on their program. According to Prison Authorities, detainees are entitled to ten visits per month of each adults per visit plus an unlimited number of children, as well as additional visits from embassies, consulates, lawyers, religious representatives of their choice, unlimited access to telephone booths between 0800-2030, unlimited mail correspondence and the use of SKYPE. Prison Authorities report that since the outbreak of the pandemic, SKYPE is used by all detainees because visits are conducted through a separation plexi-glass screen and the number of visits is adjusted in accordance with the epidemiological developments. Visitors are admitted with a negative rapid test or a PCR test.<sup>41</sup>

The prison law provides for the power of the prison director to permit the exit of detainees escorted by prison staff for medical care, to attend the funeral of a close relative or to visit a close relative who is severely ill, to get married or get engaged, to attend their marriage or engagement or the birth or christening of their child, to attend the wedding of a close relative, to attend the court as litigant or witness, to participate in sports, artistic, recreational or other events organised by the prison authorities or for reasons of public interest following written authorization from the Justice Minister, applied for by the Chief of Police.<sup>42</sup>

No national standards exist as regards time out of cell in police detention cells.

In an effort to decongest the central prison due to the COVID-19 pandemic, in 2020 prison regulations were amended by enlarging the categories of prisoners eligible for the Open Prison scheme and extending the time for which prisoners can stay in the Prison's Centre for Extra-institutional Occupation. Under the new law, persons convicted for up to 12 months in jail will be able to join the open prison scheme, instead of the six-month limit that was applicable until then, whilst prisoners residing at the Centre for Extra-institutional Occupation can extend their stay from 12 months to 18 and are able to visit their families without being escorted every week.<sup>43</sup>

b) Do sports or other recreational and/or educational facilities have to be available to detainees? If so, what types?

Detainees have the right to physical training at least twice a week unless the authorities decide otherwise for a particular prisoner.<sup>44</sup> There are no national standards regarding the *facilities* that must be made available. Although not foreseen in any law or regulation, in the past six years, volleyball, basketball, football and futsal were created

<sup>39</sup> Council of Europe, Committee on the Prevention of Torture (2018), [Report to the Government of Cyprus on the visit to Cyprus carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\) from 2 to 9 February 2017](#), Strasbourg, 26 April 2018.

<sup>40</sup> Council of Europe, Committee on the Prevention of Torture (2018), [Report to the Government of Cyprus on the visit to Cyprus carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\) from 2 to 9 February 2017](#), Strasbourg, 26 April 2018.

<sup>41</sup> Letter from the prison authorities to the FRANET contractor 28 June 2021.

<sup>42</sup> Cyprus, Law on prisons (*Ο περί φυλακών νόμος*) N.62(I)/1996, article 15.

<sup>43</sup> Cyprus, [Regulations issued under article 28 of the Law on Prisons](#), Regulatory Administrative Act No. 149, 3 April 2020.

<sup>44</sup> Cyprus, Prison (General) Regulations of 1997 [*Οι περί φυλακών (Γενικοί) Κανονισμοί του 1997*] issued under the Prison Laws, No. 121, 18 April 1997, articles 106-112.

in the ward grounds; eight gyms were also set up with contemporary aerobic exercise equipment where detainees can exercise daily under supervision from trained professionals.<sup>45</sup>

Prison regulations provide for the *right* of all detainees in the central prison, irrespective of their detention regime, to education through participation in educational programs, access to books, newspapers, magazines, radio and TV programs, film screenings, lectures, seminars, discussions etc. To materialise this right, the prison authorities are under a duty to undertake 'reasonable arrangements' so as for detainees to develop their education and training through programs organised within the prison. Arrangements include distance learning, private study and creative occupation. Subject to permission, detainees may attend lessons and training programs outside the prison. All detainees have the right to practice their religion and to participate in cultural and recreational activities and sports events both inside and outside the prison.

In 2015 prison authorities started implementing a strategy for upgrading of educational programs, involving the creation of eight schools which all detainees may attend, following which they are given a certificate of knowledge. Detainees may also attend universities through the distance learning and tutoring method.<sup>46</sup>

c) Is there a national standard for time spent in cells? If so, what does it require?

The time spent in or outside cells is not legally regulated and may vary from prisoner to prisoner. Moreover, a wider issue arising in relation to the exercise of rights is the fact that foreign inmates, who make up around 40% of the prison population, often do not have access to information in a language understood to them. Interpretation is rarely provided and, as a result, many inmates are unaware of both their rights and their obligations inside the prison.<sup>47</sup>

d) Are there any national standards with regard to activities and/or programmes that should be available to detainees when they are outside their cells? If so, what do they require?

There are no standards as regards activities that must be made available to detainees, apart from the sports and educational activities set out under (b) above.

Detainees convicted to sentences in excess of one month may if they wish work in jobs allocated to them by the Allocation Committee, in exchange for money.<sup>48</sup> The Prison Authorities report that schooling of detainees is reconsidered as work and is remunerated in the same way as any other prison work.<sup>49</sup> Working schedule is usually five days per week and five hours per day.

Prisoners who have completed one third of their sentence and have shown good conduct may, under conditions, be granted an exit permit of 24 hours without escort. Exit permits with escorts may also be granted subject to permission and under conditions for eight hours or exceptionally for up to 12 hours. Subject to conditions, prisoners may also be admitted to the institution of the open prison or be permitted to work outside

<sup>45</sup> Letter from the prison authorities to the FRANET contractor 28 June 2021.

<sup>46</sup> Letter from the prison authorities to the FRANET contractor 28 June 2021.

<sup>47</sup> Council of Europe, Committee on the Prevention of Torture (2018), [Report to the Government of Cyprus on the visit to Cyprus carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\) from 2 to 9 February 2017](#), Strasbourg, 26 April 2018. t

<sup>48</sup> Cyprus, Prison (General) Regulations of 1997 [[Οι περί Φυλακών \(Γενικοί\) Κανονισμοί του 1997](#)] issued under the Prison Laws, No. 121, 18 April 1997, article 86.

<sup>49</sup> Letter from the Prison Authorities to the FRANET contractor, 28 June 2021.

the prison.<sup>50</sup>

- e) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

Open-door regime maintained. Prisoners who have completed one third of their sentence and have shown good conduct may, under conditions, be granted an exit permit of 24 hours without escort. Exit permits with escorts may also be granted subject to permission and under conditions for eight hours or exceptionally for up to 12 hours. Subject to conditions, prisoners may also be admitted to the institution of the open prison or be permitted to work outside the prison.<sup>51</sup>

Prisoners may be permitted to join the Open Prison regime provided they meet a set of criteria and they have been so approved by a special prison committee following individual assessment. These are, generally speaking, prisoners for whom there are no issues of security or discipline or other prohibitive reasons.<sup>52</sup> Prisoners in the Open Prison generally reside, work and move under conditions of reduced security but have to observe the same principles of conduct, discipline and order as all other prisoners.<sup>53</sup> Like in the closed prison, time spent inside or outside the cell is not regulated. Foreign prisoners are generally deemed not to meet the criteria for advancement to the Open Prison. Persons in pre-trial detention are not eligible for the Open Prison.

- f) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 3. a) – e), including their respective legal basis.

A Prisons Council appointed by the Council of Ministers<sup>54</sup> examines complaints from detainees and, if it deems it necessary, submits the complaint to the Justice Minister and the Prison Director.<sup>55</sup> The decision of the Prisons Council or the Prison Director is not subject to challenge through the process of judicial review foreseen in the Constitution, but the complainant detainee may be able to sue the Prison Director in the District Court for human rights violations,<sup>56</sup> a procedure that may take up to ten years before a decision can be issued.<sup>57</sup> If the claim is successful, the detainee may be awarded damages.

In case of disciplinary proceedings against detainees, the decisions of the prison director must always be justified and recorded in detail in the minutes of the trial and lodged in a summary form in the Registry of Disciplinary Offences and Detainees' Sanctions. The

<sup>50</sup> Cyprus, Prison (General) Regulations of 1997 [[Οι περί Φυλακών \(Γενικοί\) Κανονισμοί του 1997](#)] issued under the Prison Laws, No. 121, 18 April 1997, articles 106-140.

<sup>51</sup> Cyprus, Prison (General) Regulations of 1997 [[Οι περί Φυλακών \(Γενικοί\) Κανονισμοί του 1997](#)] issued under the Prison Laws, No. 121, 18 April 1997, articles 106-140.

<sup>52</sup> Cyprus, Prison (General) Regulations of 1997 [[Οι περί Φυλακών \(Γενικοί\) Κανονισμοί του 1997](#)] issued under the Prison Laws, No. 121, 18 April 1997, article 127.

<sup>53</sup> Cyprus, Prison (General) Regulations of 1997 [[Οι περί Φυλακών \(Γενικοί\) Κανονισμοί του 1997](#)] issued under the Prison Laws, No. 121, 18 April 1997, article 129.

<sup>54</sup> Cyprus, Law on prisons of 1996 ([Ο περί Φυλακών Νόμος του 1996](#)) N. 62(I)/1996, Article 23.

<sup>55</sup> Cyprus, Law on prisons of 1996 ([Ο περί Φυλακών Νόμος του 1996](#)) N. 62(I)/1996, Article 25.

<sup>56</sup> Cyprus, Administrative Court (2021), A.T. v Ministry of Justice and Public Order ([Α.Τ. v. Υπουργείο Δικαιοσύνης και Δημόσιας Τάξης](#)), Case No. 279/2019, 16 March 2021; Cyprus Administrative Court, Xenophontos and Plesco v. Republic of Cyprus through the Central Prison Director and/or the Justice Minister ([Ξενοφώντος και Plesco v. Κυπριακής Δημοκρατίας, μέσω Διευθυντή Κεντρικών Φυλακών και/η Υπουργού Δικαιοσύνης](#)), Case No. 41/2015, 9 August 2018.

<sup>57</sup> Cyprus, District Court of Nicosia, Christodoulou v. Loizou and Attorney General ([Χριστοδουλου v. Λοΐζου και Γενικού Εισαγγελέα](#)), Case No. 7046/2011, 7 August 2019

detailed minutes and all written statements and testimonies are recorded in the detainees' personal file.<sup>58</sup>

g) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspects (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference, a list of links can be found via the [OPCAT Database](#).

Cyprus National Mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment (2020), '[Review of the action of National Preventing Mechanism for the years 2018 and 2019](#),' 7 January 2020.

"Επιπλέον, ο χώρος των κρατητηρίων δεν διέθετε εξωτερικό χώρο άσκησης, με αποτέλεσμα οι κρατούμενοι να παραμένουν καθ' όλη τη διάρκεια της κράτησής τους εντός του χώρου των κρατητηρίων χωρίς οποιαδήποτε επαφή με τον έξω κόσμο, χωρίς φυσικό φως και χωρίς καθαρό αέρα.

...

Κατά την επίσκεψη, διαπιστώθηκε, επίσης, ότι εντός του χώρου κράτησης δεν υπήρχαν ουσιαστικά μέσα ενασχόλησης. Οι χώροι που διαμορφώθηκαν ως χώροι ψυχαγωγίας και γυμναστικής παρέμεναν σχεδόν κενοί, με μοναδικές προσθήκες ένα τραπέζι με κάποια καθίσματα, τηλεόραση και μερικά όργανα γυμναστικής.

...

Επιπλέον, εισηγήθηκε όπως ληφθούν μέτρα για την παροχή δημιουργικής ενασχόλησης και δραστηριοτήτων στους κρατούμενους, ενώ για τον χώρο επισκέψεων ανέφερε ότι αυτός πρέπει να διαμορφωθεί κατά τρόπο ώστε να διασφαλιστεί η ιδιωτικότητα.

[Following inspection of the Aradipou Police Detention Centre 24 July 2019]

Ως εκ τούτου, υποβλήθηκαν οι ακόλουθες εισηγήσεις όσον αφορά την Βελτίωση των συνθηκών κράτησης και της μεταχείρισης των κρατουμένων:.. Διαμόρφωση του χώρου ψυχαγωγίας και παροχή μέσων ψυχαγωγίας και δημιουργικής ενασχόλησης, όπως τηλεόραση, περιοδικά, βιβλία, σε περίπτωση που στο χώρο κρατούνται πρόσωπα για μεγάλο χρονικό διάστημα.

...

[Following NPM's inspection visit at the Lakatamia Police Detention Centre, 29 August 2019:

[Σ]το χώρο των Κρατητηρίων δεν υπάρχει εξωτερικός χώρος άσκησης, εν αντιθέσει με τα διεθνή πρότυπα και τις συστάσεις της Ευρωπαϊκής Επιτροπής Πρόληψης των Βασανιστηρίων (CPT) που επιβάλλουν τουλάχιστον μια ώρα άσκησης σε εξωτερικό χώρο για κάθε κρατούμενο που κρατείται για διάστημα πέραν των 24 ωρών.

[Following NPM's inspection visit at the Ayia Napa Police Detention Centre, 26 July 2019]:

Από την επίσκεψη, διαπιστώθηκε ότι οι υποδομές των Αστυνομικών Κρατητηρίων της Αγίας Νάπας παρουσιάζουν ελλείψεις και για το λόγο αυτό, ο χώρος δεν μπορεί να κριθεί συμβατός με τις βασικές αρχές για τη μεταχείριση των κρατουμένων και

<sup>58</sup> Cyprus, Prison (General) Regulations of 1997 [[Οι περί Φυλακών \(Γενικοί\) Κανονισμοί του 1997](#)] issued under the Prison Laws, No. 121, 18 April 1997, article 159.

τα διεθνή πρότυπα για τους χώρους κράτησης. Ειδικότερα, οι ελλείψεις που υπάρχουν όσον αφορά τον εξωτερικό χώρο άσκησης των κρατουμένων και τον χώρο επισκέψεων. Ως εκ τούτου, υποβλήθηκαν οι ακόλουθες εισηγήσεις όσον αφορά την βελτίωση των συνθηκών κράτησης και της μεταχείρισης των κρατουμένων:

- Λήψη μέτρων για δημιουργία χώρου κατά τρόπο ώστε να διασφαλίζεται το δικαίωμα των κρατουμένων για μία τουλάχιστον ώρα άσκησης/ αυλισμού σε εξωτερικό χώρο καθημερινά.
- Διαμόρφωση του χώρου ψυχαγωγίας και παροχή μέσων ψυχαγωγίας και δημιουργικής ενασχόλησης, όπως τηλεόραση, περιοδικά, βιβλία, σε περίπτωση που στο χώρο κρατούνται πρόσωπα για μεγάλο χρονικό διάστημα
- Διαμόρφωση κατάλληλου χώρου επισκεπτηρίου.

#### **Extracts from the English report published by the NPM:**

"In addition, the detention centre did not provide an outdoor exercise area, thus detainees remained indoors for the entire duration of their detention without any contact with the outside world, natural light and fresh air.

...

The visit also revealed that there were virtually no occupational means within the detention centre. The areas designed for the entertainment and exercise of detainees were almost empty - one table with a few seats, a television and some exercise equipment.

...

Furthermore, the Commissioner suggested that measures should be taken to provide detainees with creative 31 activities and added that the visiting area should be created in such a manner as to ensure privacy.

[Following inspection of the Aradipou Police Detention Centre 24 July 2019]

Therefore, the Commissioner made the following recommendations on the improvement of treatment and living conditions of detainees:... Arranging the entertainment area in order to provide means of entertainment and creative activities, such as television, magazines and books, in case where detainees are detained for an extended period of time.

...

[Following NPM's inspection visit at the Lakatamia Police Detention Centre, 29 August 2019]:

[T]he detention centre does not provide an outdoor exercise area, contrary to the international standards and the recommendations of the European Committee for the Prevention of Torture (CPT) requiring at least one hour of outdoor exercise for each person detained for a period of more than 24 hours...Based on the foregoing, the Commissioner made the following recommendations on the improvement of treatment and living conditions of detainees:... Arranging the entertainment area in order to provide means of entertainment and creative activities, such as magazines, books, newspapers and books, and speeding up the necessary works to create an outdoor exercise area/yard time.

[Following NPM's inspection visit at the Ayia Napa Police Detention Centre, 26 July 2019]:

The Detention Centre of Ayia Napa presents deficiencies, in particular deficiencies in the outdoor exercise area and the visiting area, and, for this reason, the place cannot be deemed compatible with the basic principles for the treatment of detainees and the international standards for places of detention. Therefore, the Commissioner made the following recommendations on the improvement of treatment and living conditions of detainees:

- Taking measures to create an outdoor exercise area to safeguard the right of detainees to exercise (yard time) at least one hour per day.
- Arranging the entertainment area in order to provide means of entertainment and creative activities, such as television, magazines and books, in case where detainees are detained for an extended period of time.
- Creating a suitable visiting area.

#### 4. Solitary confinement

##### a) What are the national standards regarding solitary confinement?

The prison director may order the solitary confinement of any detainee, irrespective of the detention regime, in exceptional circumstances for the shortest period possible provided it is necessary to maintain discipline and order, and for a maximum of 20 days, to protect the interests of the prisoner or the other prisoners or to contain violent and unruly prisoners who create upheaval and harass other prisoners. The confinement can take place in the prisoner's own individual cell or in another individual cell or in a special protection room. The director must maintain a detailed written record of the reasons, circumstances duration and place where the prisoner is confined, must give the prisoner the chance to be heard, must inform the prisoner in writing of the reasons and duration of the solitary confinement and must take into account the views of the medical staff on site.<sup>59</sup> The 2018 amended prison regulations to provide a table with offences and the corresponding period of confinement foreseen for each offence.<sup>60</sup> For burglary or theft within the prison, the penalty is confinement for up to 15 days and deprivation of the privilege of smoking, visits and telephone communication, although visits and telephone communications are restored after 10 days of solitary confinement; causing bodily harm to another detainee or inciting others to do so carries a sentence of solitary confinement of up to 15 days; being in possession of money or attempting to receive money or other prohibited object carries the penalty of restriction to one's individual cell during night hours for up to 30 days; refusal to comply with a prison law or regulation carries the sentence of restriction in one's ward for up to 45 days; refusal to comply with an order of the prison director carries the sentence of no exit permits for up to three months; refusal to comply with a lawful order of a prison officer carries the sentence of confiscation of pay from work in order to restore the damage caused to prison property or to the property of another detainee; indecent behaviour towards any person carries the sentence of losing grace period for up to 60 days; insults or threats towards anyone carries the sentence of restriction in one's individual cell for up to five days and deprivation of the privilege of smoking, visits and telephone communications; change of cell without permit carries the sentence of restriction in one's own cell for up to 10 days and deprivation of the privilege of visits; entry to another ward without permit carries the sentence of restriction in one's own ward for up to 30 days; wilful damage to prison property or to property of other detainees carries the sentence of deprivation of the privilege of exit permits for up to four months; participation in fights with other detainees carries the sentence of having their work pay confiscated to restore the damage caused; use of violence or threat to use violence against other detainees carries the sentence of losing grace period for 30 days; rioting carries the sentence of confinement for up to 20 days and deprivation of the privilege of smoking, visits and telephone communications, although the visits and communications are restored after

<sup>59</sup> Cyprus, Regulations issued under article 28 of the Prison law 1996-2018 ([Οι περί φυλακών νόμοι του 1996 έως 2018, Κανονισμοί δυνάμει του άρθρου 28](#)), No. 2, Regulatory Administrative Act No. 5103, 27 July 2018, article 151.

<sup>60</sup> Cyprus, Regulations issued under article 28 of the Prison law 1996-2018 ([Οι περί φυλακών νόμοι του 1996 έως 2018, Κανονισμοί δυνάμει του άρθρου 28](#)), No. 2, Regulatory Administrative Act No. 5103, 27 July 2018, articles 160(1) and 160A.



completing ten days in confinement; incitement to riot carries the sentence of confinement for up to 20 days and losing the right to visits for the first ten days; attempt or conspiracy to escape carries the sentence of confinement for up to 40 days; assault against staff member carries the sentence of confinement for up to 60 days; bribing or attempting to bribe prison staff carries the sentence of deprivation of exit permit for up to six months; threatening or insulting or bad faith allegations against prison staff carries a sentence of losing grace for up to 90 days; escape carries the penalty of confinement for up to 20 days and deprivation of the privilege of smoking, visits and telephone communications, but visits and communications resume after the first ten days; use of violence against prison staff and causing bodily harm carries the penalty of confinement during night hours for up to 90 days or confinement in the same ward for up to six months, or loss of grace for minimum 90 days and maximum one year or deprivation of the right to an exit permit for up to one year.

There are no national standards as regards detention in police stations.

During solitary confinement, prisoners have the right to telephone contact with and visits by their lawyers and to weekly visits by and telephone contacts with family, friends and associates. Telephone calls take place at a specific telephone booth in a controlled space at the cost of the prisoners themselves.

Prisoners can send letters to and receive letters from: their lawyers, the Attorney General of the Republic, the Commissioner for Administration (ombudsperson), the Prisons Council, the Council of Europe's Committee for the prevention of torture and inhumane or degrading treatment or punishment and to the ECHR. The prison authorities are not permitted to open these letters and must send them without delay.<sup>61</sup>

b) Are there any national standards with regard to checking and/or monitoring the wellbeing of detainees in solitary confinement? If so, what do they require?

The prison director must inform the prison medical or nursing staff of the solitary confinement within 24 hours from issue of the decision. The medical staff must visit the confined prisoners without delay and monitor the prisoner's state of health, including both mental and physical health, informing the prison director accordingly. The doctor in charge must compile a report on the prisoner's state of health at regular intervals. In case the doctor deems that the prisoner's state of health was negatively affected as a result of the confinement order, the doctor must inform the prison director in writing who must interrupt the solitary confinement.

c) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

For solitary confinement within the prison, there are no different standards for the different detention regimes, including pre-trial detention within the central prison.

Solitary confinement in police detention cells is not sanctioned by any legislation or police regulation and no police station has the needed infrastructure for solitary confinement.

d) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 4. a) - c), including their respective legal basis.

<sup>61</sup> Cyprus, Regulations issued under article 28 of the Prison law 1996-2018 ([Οι περί φυλακών νόμοι του 1996 έως 2018, Κανονισμοί δυνάμει του άρθρου 28](#)), No. 2, Regulatory Administrative Act No. 5103, 27 July 2018, article 114(3).

The decision to place a detainee in solitary confinement cannot be challenged in court as an administrative act via the judicial review procedure. Detainees may file complaints to the Prisons Council, a body appointed by the Council of Ministers<sup>62</sup> to examine complaints from detainees. Depending on the findings of the Prisons Council, the complaint may be submitted to the Justice Minister and the Prison Director.<sup>63</sup> The decision of the Prisons Council is also not subject to challenge through the process of judicial review foreseen in the Constitution, but the complainant detainee may be able to sue the Prison Director in the District Court for human rights violations and claim compensation,<sup>64</sup> a procedure that may take up to ten years before a decision can be issued.<sup>65</sup>

- e) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding this aspect (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference, a list of links can be found via the [OPCAT Database](#).

There were no NPM reports from the reference period regarding the Central Prisons, where solitary confinement is practised. There is no solitary confinement measure in the police detention stations, which were inspected by the NPM during the reporting period.

## 5. Access to healthcare

- a) What is the national standard with regard to access to medical services in prisons, including emergency care? (E.g.: Do detainees have prompt access to medical services within prisons and/or externally? Do detainees have access to dentists, opticians, etc.?) If so, what does it require?

Detainees in police detention centres are entitled to medical care for all medical specialties (including dentists, dermatologists and opticians) by a doctor of their choice and have the right to communicate with their doctor in person or by phone. There are full time general practitioners and part-time doctors of various specialisations such as psychiatrists, psychologists, occupational therapists, dermatologists and dentists visiting regularly or as needed. A psychiatrist and a dentist visit the central prison once or more times a week. Detainees who choose to contact their own doctor must bear all medical expenses themselves. Detainees who do not wish to exercise the right of communicating with their own doctor are entitled to free medical care by a state doctor arranged by the director of the police station as soon as possible. Where this is not possible, the director may order the transfer of the detainee to a state hospital. Transfers to private hospitals are not permitted. Medical examinations take place out of sight and sound of any police staff, unless the police station director has reason to believe the doctor's physical integrity is at risk, in which case the examination must take place within sight (but not sound) of a police officer of the same sex as the detainee. In the

<sup>62</sup> Cyprus, Law on prisons of 1996 ([Ο περί Φυλακών Νόμος του 1996](#)) N. 62(I)/1996, Article 23.

<sup>63</sup> Cyprus, Law on prisons of 1996 ([Ο περί Φυλακών Νόμος του 1996](#)) N. 62(I)/1996, Article 25.

<sup>64</sup> Cyprus, Administrative Court (2021), A.T. v Ministry of Justice and Public Order ([Α.Τ. v. Υπουργείο Δικαιοσύνης και Δημόσιας Τάξης](#)), Case No. 279/2019, 16 March 2021; Cyprus Administrative Court, Xenophon and Plesco v. Republic of Cyprus through the Central Prison Director and/or the Justice Minister ([Ξενοφώντος και Plesco v. Κυπριακής Δημοκρατίας, μέσω Διευθυντή Κεντρικών Φυλακών και/η Υπουργού Δικαιοσύνης](#)), Case No. 41/2015, 9 August 2018.

<sup>65</sup> Cyprus, District Court of Nicosia, Christodoulou v. Loizou and Attorney General ([Χριστοδουλου v. Λοΐζου και Γενικού Εισαγγελέα](#)), Case No. 7046/2011, 7 August 2019

case of detainees aged under 18, their parents or guardians may be present during the medical examination or treatment. Shortly after remand in custody, detainees must be handed a list of rights setting out the above in a language understood to them and must sign a special form confirming receipt. Foreign detainees who cannot communicate with the doctor in a language understood to them may be examined by a doctor in the presence of an interpreter placed at their disposal by the director of the police station to enable the doctor to communicate with the detainee. Detainees who are proven to have abused the right to medical care are guilty of an offence and are subject to imprisonment not exceeding three years and/ or a fine not exceeding 3,000 Cyprus Pounds (approximately €5,125).

b) Are there any national standards concerning the availability of qualified medical and nursing personnel? If so, what do they require?

Medical services of all specialisations are offered in the Central Prison, as an extension of the public health service. A doctor of general medicine (pathologist) appointed by the Ministry of Health is mandated with examining detainees' mental and physical health, determining the treatment and monitoring its faithful administration, opining on the admission of detainees to a hospital or rehabilitation centre outside the prison or on their referral to a special doctor.

In police detention centres, the NPM's inspections revealed the practice of police officers administering medication to detainees, in the absence of medical staff on site.<sup>66</sup>

c) Are there any national standards for an initial medical examination upon deprivation of liberty or transfer of a detainees? If so, what do they require?

Medical screening of newly-arrived inmates is systematically carried out within 24 hours from arrival, however inmates arriving on a Friday are not seen until the following Monday. The medical screening involves both physical and mental health in order to diagnose they type of treatment and medication that will be needed during the person's detention.<sup>67</sup>

d) Are there any national standards relating to the provision of specialist care? (E.g., for long-term diseases, for sick and elderly detainees, the mentally ill, drug addicted detainees, etc.) If so, what do they require?

Detainees in need of treatment that cannot be treated within the prison are transferred to a state hospital outside the prison, unless the detainee specifically asks for a particular private sector doctor, in which case detainees may be referred to such doctor subject to permission from the prison director and subject to the detainee covering the cost incurred.<sup>68</sup>

e) Are there any national standards with regard to a medical treatment of the detainee's own choosing? If so, what do they require?

Medical treatment is offered on the basis of the doctor's recommendation, rather than the prisoner's one choosing, unless the doctor recommends alternatives. Practice is for medical examinations to take place without the presence or the monitoring of prison staff and not to interfere unless there is a reason. All detainees' medical history is examined in order to diagnose whether or not they have a history of drug addition,

<sup>66</sup> Cyprus National Mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment (2020), '[Review of the action of National Preventing Mechanism for the years 2018 and 2019.](#)' 7 January 2020.

<sup>67</sup> Cyprus, Prison (General) Regulations of 1997 [[Οι περί Φυλακών \(Γενικοί\) Κανονισμοί του 1997](#)] issued under the Prison Laws, No. 121, 18 April 1997, article 19.

<sup>68</sup> Cyprus, Prison (General) Regulations of 1997 [[Οι περί Φυλακών \(Γενικοί\) Κανονισμοί του 1997](#)] issued under the Prison Laws, No. 121, 18 April 1997, articles 62-70.

mental or personality disorders or other special needs or problems in order to provide with them with suitable psychological and medical support and to protect other detainees.

f) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

Detainees in police detention centres, whether at pre-trial detention or serving a sentence, are entitled to medical care by a doctor of their choice and have the right to communicate with their doctor in person or by phone. Detainees who choose to contact their own doctor must bear all medical expenses themselves. Detainees who do not wish to exercise the right of communicating with their own doctor are entitled to free medical care by a state doctor arranged by the director of the police station as soon as possible.<sup>69</sup>

Detainees who are proven to have abused the right to medical care are guilty of an offence and are subject to imprisonment not exceeding three years and/ or a fine not exceeding 3,000 Cyprus Pounds (approximately €5,125).<sup>70</sup>

g) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 5. a) – f), including their respective legal basis.

A Prisons Council appointed by the Council of Ministers<sup>71</sup> examines complaints from detainees and, if it deems it necessary, submits the complaint to the Justice Minister and the Prison Director.<sup>72</sup> The decision of the Prisons Council or the Prison Director is not subject to challenge through the process of judicial review foreseen in the Constitution, but the complainant detainee may be able to sue the Prison Director in the District Court for human rights violations claiming compensation,<sup>73</sup> a procedure that may take up to ten years before a decision can be issued.<sup>74</sup> There are no fast-track procedures in place to ensure access to medical healthcare in case of breach of the standards.

In case of disciplinary proceedings against detainees, the decisions of the prison director must always be justified and recorded in detail in the minutes of the trial and lodged in a summary form in the Registry of Disciplinary Offences and Detainees' Sanctions. The detailed minutes and all written statements and testimonies are recorded in the detainees' personal file.<sup>75</sup>

h) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspects (please provide the exact quotation in both, the

<sup>69</sup> Cyprus, Law on the rights of persons arrested and detained ([Ο περί των Δικαιωμάτων Προσώπων που Συλλαμβάνονται και Τελούν υπό Κράτηση Νόμος](#)) N.163(I)/2005 as amended, Articles 23-28.

<sup>70</sup> Cyprus, Law on the rights of persons arrested and detained ([Ο περί των Δικαιωμάτων Προσώπων που Συλλαμβάνονται και Τελούν υπό Κράτηση Νόμος](#)) N.163(I)/2005 as amended, Article 30.

<sup>71</sup> Cyprus, Law on prisons of 1996 ([Ο περί Φυλακών Νόμος του 1996](#)) N. 62(I)/1996, Article 23.

<sup>72</sup> Cyprus, Law on prisons of 1996 ([Ο περί Φυλακών Νόμος του 1996](#)) N. 62(I)/1996, Article 25.

<sup>73</sup> Cyprus, Administrative Court (2021), A.T. v Ministry of Justice and Public Order ([Α.Τ. v. Υπουργείο Δικαιοσύνης και Δημόσιας Τάξης](#)), Case No. 279/2019, 16 March 2021; Cyprus Administrative Court, Xenophonotos and Plesco v. Republic of Cyprus through the Central Prison Director and/or the Justice Minister ([Ξενοφώντος και Plesco v. Κυπριακής Δημοκρατίας, μέσω Διευθυντή Κεντρικών Φυλακών και/η Υπουργού Δικαιοσύνης](#)), Case No. 41/2015, 9 August 2018.

<sup>74</sup> Cyprus, District Court of Nicosia, Christodoulou v. Loizou and Attorney General ([Χριστοδουλου v. Λοΐζου και Γενικού Εισαγγελέα](#)), Case No. 7046/2011, 7 August 2019

<sup>75</sup> Cyprus, Prison (General) Regulations of 1997 [[Οι περί Φυλακών \(Γενικοί\) Κανονισμοί του 1997](#)] issued under the Prison Laws, No. 121, 18 April 1997, article 159.

national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

Cyprus National Mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment (2020), '[Review of the action of National Preventing Mechanism for the years 2018 and 2019](#),' 7 January 2020.

[Recommendation following NPM inspection at the Aradipou Police Detention Centre]

Ως εκ τούτου, υποβλήθηκαν οι ακόλουθες εισηγήσεις όσον αφορά την Βελτίωση των συνθηκών κράτησης και της μεταχείρισης των κρατουμένων: Εξεύρεση άλλων λύσεων για τη χορήγηση της φαρμακευτικής αγωγής από εξειδικευμένο προσωπικό.

...

[Following NPM's inspection visit at the Lakatamia Police Detention Centre, 29 August 2019]:

Οι Λειτουργοί του Γραφείου της Επιτρόπου πληροφορήθηκαν επίσης πως η φαρμακευτική αγωγή στα άτομα που κρατούνται στα Κρατητήρια, χορηγείται από τους επί καθηκόντι Αστυνομικούς... Η Επίτροπος στην έκθεση της διαφώνησε με την εν λόγω πρακτική και σημείωσε πως σύμφωνα με την τελευταία έκθεση της Ευρωπαϊκής Επιτροπής για την Πρόληψη των Βασανιστηρίων και της Ανάνθρωπης ή Εξευτελιστικής Μεταχείρισης (CPT) που δημοσιεύτηκε στις 26 Απριλίου 2018 μετά την επίσκεψή της στην Κύπρο τον Φεβρουάριο του 2017, η χορήγηση φαρμακευτικής αγωγής πρέπει να γίνεται μόνο από προσοντούχο ιατρικό και νοσηλευτικό προσωπικό.

Therefore, the Commissioner made the following recommendations on the improvement of treatment and living conditions of detainees: ...Finding other solutions to administer pharmaceutical treatments by specialised staff.

...

[Following NPM's inspection visit at the Lakatamia Police Detention Centre, 29 August 2019]:

The Officers of the Commissioner's Office were also informed that pharmaceutical treatments to persons detained in the Detention Centre are administered by the Police Officers on duty...The Commissioner in her report disagreed with the said practice and noted that, based on the last report of the European Committee for the Prevention of Torture (CPT), published on 26 April 2018 following its visit to Cyprus in February 2017, pharmaceutical treatments should only be administered by qualified medical and nursing staff.

## 6. Special measures in place to protect young detainees

- a) Are there any national standards with regard to the separation of young detainees from adults? If so, what do they require? (e.g., a separate juvenile ward, or part of the building, canteen, common area etc.?)

Juvenile detainees, aged 18-21, serving a sentence at the Central Prison reside separately provided the building infrastructure or existing facilities permit this. Juvenile detainees may however work in the same spaces as other detainees following approval from the Prison Director. The Allocation Committee may transfer from the juveniles'

wing any person aged 18+ if in the opinion of the Committee such detainee is unsuitable for residence in the juveniles' wing due to his/her behaviour.

b) Please indicate the age categories of young persons falling under your country's (juvenile) detention regime.

The age for criminal responsibility is 14.<sup>76</sup> There is a separate ward in the central prison for detaining minors, i.e., children under 18 and young people i.e., aged between 18 and 21. Individual young detainees may be transferred to another ward if in the opinion of the Allocation Committee they are unsuitable for the ward of the young detainees.<sup>77</sup> Catering, exercise and counselling interventions by the Mental Health Services are offered to children and young detainees daily, separately from the rest of the prison population. Under supervision, young detainees also follow educational programs at the prison schools, visit the prison church, are escorted to the dentist and doctor where they might come into contact with adult detainees. A number of specialised programs of psychological educational interventions are available to young detainees in the past six years, including a personal development program aimed at the prevention of drug abuse behaviour, lectures on how to write CVs, on youth entrepreneurship, on social integration of delinquent youth, on preventing illiteracy and on art and creativity.

The Prison Authorities reported that since the outbreak of the pandemic, no permits to visit their homes were granted, however young detainees had unlimited telephone communication with family, friends, lawyers, religious representatives and embassies between 0800-2030, including SKYPE calls. Visits from lawyers, religious representatives and embassies or consulates for non-Cypriot detainees were permitted during the pandemic, but the meeting was conducted via a plexi-glass screen. Before the pandemic, young detainees had the same choices as regards communication but they also had the right to physical contact with their visitors, up to ten visits per month and up to three adults and unlimited number of children per visit, plus exit permits every three months to visit their homes escorted by prison staff.<sup>78</sup>

c) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

In police stations:

Minors detained at pre-trial stage must occupy different cells from the rest of the detainee population and must not meet with adult detainees in commonly used spaces.

d) Please indicate any remedies available to young detainees in case of a breach or violation of the standards addressed under 6. a) – c), including their respective legal basis.

A Prisons Council appointed by the Council of Ministers<sup>79</sup> examines complaints from detainees and, if it deems it necessary, submits the complaint to the Justice Minister and the Prison Director.<sup>80</sup> The decision of the Prisons Council or the Prison Director is not subject to challenge through the process of judicial review foreseen in the Constitution, but the complainant detainee may be able to sue the Prison Director in the

<sup>76</sup> Cyprus, Law establishing a criminal justice system which is friendly towards children in conflict with the law (*Νόμος που προβλέπει την εγκαθίδρυση συστήματος ποινικής δικαιοσύνης φιλικής προς τα παιδιά που βρίσκονται σε σύγκρουση με το νόμο*) N. 55(I)/2021.

<sup>77</sup> Cyprus, Prison (General) Regulations of 1997 [*Οι περί Φυλακών (Γενικοί) Κανονισμοί του 1997*] issued under the Prison Laws, No. 121, 18 April 1997, article 44.

<sup>78</sup> Letter from the prison authorities to the FRANET contractor, 28 June 2021.

<sup>79</sup> Cyprus, Law on prisons of 1996 (*Ο περί Φυλακών Νόμος του 1996*) N. 62(I)/1996, Article 23.

<sup>80</sup> Cyprus, Law on prisons of 1996 (*Ο περί Φυλακών Νόμος του 1996*) N. 62(I)/1996, Article 25.

District Court for human rights violations claiming compensation,<sup>81</sup> a procedure that may take up to ten years before a decision can be issued.<sup>82</sup>

In case of disciplinary proceedings against detainees, the decisions of the prison director must always be justified and recorded in detail in the minutes of the trial and lodged in a summary form in the Registry of Disciplinary Offences and Detainees' Sanctions. The detailed minutes and all written statements and testimonies are recorded in the detainees' personal file.<sup>83</sup>

- e) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding this aspect (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

The reports of the NPM did not contain any relevant reference.

## 7. Special measures in place to protect detainees from violence

- a) Are any special measures in place to protect detainees against violence from guards/prison staff, including sexual violence? (E.g.: Are there emergency call buttons? Do guards receive special training? Do detainees have access to a complaints mechanism?)

There are a number of measures to contain violence in prison but no measures to protect prisoners against violence from prison staff, or to prevent or prosecute such violence.

Protection measures in police detention centres are not regulated through a legal document.

- b) Are any special measures in place to protect detainees against violence from other detainees, including sexual violence? (E.g.: Are detainees supervised by prison staff? Are there emergency call buttons? Do guards receive training in de-escalation? Do detainees have access to a complaints mechanism?)

In the event of a confrontation amongst detainees or other violent incidents, the Prison Director can order the use of proportionate violence in order to restore order and safety. Subject to permission from the Prison Director, guards may use bats, tear gas and other chemical substances in order to contain and curb serious incidents amongst detainees, riots, escape of prisoners or destruction of prison property. Solitary confinement can also be ordered against detainees, if they have been found guilty of any of the offences

<sup>81</sup> Cyprus, Administrative Court (2021), A.T. v Ministry of Justice and Public Order (*A.T. v. Υπουργείο Δικαιοσύνης και Δημόσιας Τάξης*), Case No. 279/2019, 16 March 2021; Cyprus Administrative Court, Xenophonotos and Plesco v. Republic of Cyprus through the Central Prison Director and/or the Justice Minister (*Ξενοφώντος και Plesco v. Κυπριακής Δημοκρατίας, μέσω Διευθυντή Κεντρικών Φυλακών και/η Υπουργού Δικαιοσύνης*), Case No. 41/2015, 9 August 2018.

<sup>82</sup> Cyprus, District Court of Nicosia, Christodoulou v. Loizou and Attorney General (*Χριστοδουλου v. Λοΐζου και Γενικού Εισαγγελέα*), Case No. 7046/2011, 7 August 2019

<sup>83</sup> Cyprus, Prison (General) Regulations of 1997 [*Οι περί Φυλακών (Γενικοί) Κανονισμοί του 1997*] issued under the Prison Laws, No. 121, 18 April 1997, article 159.

foreseen in the regulations as reasons for such confinement (e.g. fights among inmates, insults against others, etc. For more information, please see section 4.a.)).<sup>84</sup>

Prison guards do receive training on a number of areas, but such training is determined by the Prison Director and does not form part of the national standards. Detainees may file complaints at the Prisons Council who will submit their complaints to the Justice Minister or the Prison Director if they are deemed to be well founded.<sup>85</sup> If the Prison Director believes that there is a well-founded complaint of assault, the police will be called to investigate and prepare prosecutions. The decision of the Prisons Council or the Prison Director is not subject to challenge through the process of judicial review foreseen in the Constitution.<sup>86</sup> There is no fast-track procedure for examination of complaints nor any procedural safeguards in place to ensure the complainant is protected from reprisals from other inmates.

In police detention centres, each cell is equipped with a bell operated by light and/or sound so as for each detainee to contact the police officers on duty. A system of communicating with officers on duty, as well as a closed-circuit camera is also available in the communal areas used by detainees.

c) Are there any special measures in place to protect LGBTI detainees, who are particularly vulnerable to violence/sexual violence?

Following an Equality Body report on the detention of transgender persons published in 2013, the police adopted a set of guidelines to be used in the case of transgender persons arrested and remanded in custody. The guidelines focus on searching, registering and identifying a suitable place for detention based on the principle of self-identification. There are no other measures in place to specifically protect LGBTI persons from violence in detention.

d) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

There are no different standards applicable to different detention regimes.

e) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 7. a) – d), including their respective legal basis.

A Prisons Council appointed by the Council of Ministers<sup>87</sup> examines complaints from detainees and, if it deems it necessary, submits the complaint to the Justice Minister and the Prison Director.<sup>88</sup> The decision of the Prisons Council or the Prison Director is not subject to challenge through the process of judicial review foreseen in the Constitution, but the complainant detainee may be able to sue the Prison Director in the

<sup>84</sup> Cyprus, Regulations issued under article 28 of the Prison law 1996-2018 ([Οι περί φυλακών νόμοι του 1996 έως 2018. Κανονισμοί δυνάμει του άρθρου 28](#)), No. 2, Regulatory Administrative Act No. 5103, 27 July 2018, articles 160(1) and 160A.

<sup>85</sup> Cyprus, Law on prisons of 1996 ([Ο περί Φυλακών Νόμος του 1996](#)) N. 62(I)/1996, Article 25.

<sup>86</sup> Cyprus, District Court of Nicosia, Christodoulou v. Loizou and Attorney General ([Χριστοδουλου v. Λοΐζου και Γενικού Εισαγγελέα](#)), Case No. 7046/2011, 7 August 2019

<sup>87</sup> Cyprus, Law on prisons of 1996 ([Ο περί Φυλακών Νόμος του 1996](#)) N. 62(I)/1996, Article 23.

<sup>88</sup> Cyprus, Law on prisons of 1996 ([Ο περί Φυλακών Νόμος του 1996](#)) N. 62(I)/1996, Article 25.



District Court for human rights violations,<sup>89</sup> a procedure that may take up to ten years before a decision can be issued.<sup>90</sup>

There is no fast-track procedure for examination nor any procedural safeguards in place to ensure the complainant is protected from reprisals and the investigative process will not be compromised.

The Independent authority for Investigating Allegations and Complaints against the Police (IAIACAP) examines complaints for police misconduct submitted by named complainants or on its own initiative that may ultimately lead to criminal prosecution of police officers involved.<sup>91</sup> This is another lengthy procedure that takes years to generate a decision. Although the IAIACAP is not hierarchically or institutionally linked to the Cyprus Police, the selection process of its members is neither open nor transparent, as all five members are appointed by the Ministerial Council. More importantly, the pool of criminal investigators upon whose services it depends mainly consists of former police officers.

- f) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding this aspect (please provide the exact quotation in both, the national as well as in English language) These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

National Preventive Mechanism (2020), 'Report on the visit to the Paphos Police Detention Centre on 1 September 2020' ([Έκθεση αναφορικά με την επίσκεψη που διενεργήθηκε στα αστυνομικά κρατητήρια Πάφου την 1<sup>η</sup> Σεπτεμβρίου 2020](#)), 24 September 2020.

Ιδιαίτερο, ωστόσο, προβληματισμό μου προκαλεί το γεγονός ότι οι αντιβανδαλικού τύπου θύρες των κελιών τα οποία βρίσκονταν σε λειτουργία και επιθεωρήθηκαν κατά την επίσκεψη, ήταν ελαττωματικές και δεν μπορούσα να ασφαλιστούν/κλειδωθούν. Αυτό θέτει σε κίνδυνο τόσο την ασφάλεια των κρατουμένων, αλλά και του προσωπικού του χώρου. Ως εκ τούτου, εισηγούμαι όπως η αρμόδια αρχή προβεί άμεσα σε επιδιόρθωση των θυρών, προς αποφυγή οποιονδήποτε δυσάρεστων γεγονότων

Of particular concern to me, however, is the fact that the anti-vandal doors of the cells that were in operation and inspected during the visit were defective and I could not lock / unlock them. This endangers both the safety of the detainees and the staff of the premises. Therefore, I suggest that the competent authority repair the doors immediately, in order to avoid any unpleasant events.

## 8. Women in detention

<sup>89</sup> Cyprus, Administrative Court (2021), A.T. v Ministry of Justice and Public Order ([A.T. v. Υπουργείο Δικαιοσύνης και Δημόσιας Τάξης](#)), Case No. 279/2019, 16 March 2021; Cyprus Administrative Court, Xenophonos and Plesco v. Republic of Cyprus through the Central Prison Director and/or the Justice Minister ([Ξενοφώντος και Plesco v. Κυπριακής Δημοκρατίας, μέσω Διευθυντή Κεντρικών Φυλακών και/η Υπουργού Δικαιοσύνης](#)), Case No. 41/2015, 9 August 2018.

<sup>90</sup> Cyprus, District Court of Nicosia, Christodoulou v. Loizou and Attorney General ([Χριστοδουλου v. Λοΐζου και Γενικού Εισαγγελέα](#)), Case No. 7046/2011, 7 August 2019

<sup>91</sup> Cyprus, Law on the police (Independent Authority for Investigation of Allegations and Complaints)[*Ο περί Αστυνομίας (Ανεξάρτητη Αρχή Διερεύνησης Ισχυρισμών και Παραπόνων) Νόμος του 2006*] N. 9(I)/2006, available at [www.cylaw.org/nomoi/enop/non-ind/2006\\_1\\_9/full.html](http://www.cylaw.org/nomoi/enop/non-ind/2006_1_9/full.html)

<p>a) Are there any national standards for conditions of detention of women in general? If so, what do they require?</p>
<p>Specific standards for women in detention exist in the following areas:</p> <p>Women detainees are detained in a special ward, which is serviced only by women officers. The Allocation Committee allocates work to women detainees which is suitable to their gender, as far as this is possible.<sup>92</sup></p> <p>According to the prison authorities, women at pre-trial detention are not held in the same ward as women serving a sentence, although they can meet under supervision in common areas, during sports activities, work, education or events. Women held in the open prison may visit their families without escort for a period of eight hours up to six days, depending on their prison term. Women held at the Centre for Guidance Extra-institutional Occupation and Rehabilitation can work outside the prison and return to the Centre in the afternoon; they can also stay with their families over the weekends.<sup>93</sup></p> <p>The general standards applicable for all prisoners generally apply to women without discrimination.</p>
<p>b) Are there any national standards for holding and accommodating male and female detainees separate from each other? If so, what do they require?</p>
<p>In the central prison, where detainees are held either pre-trial or serving a sentence, women detainees are detained in a separate ward, which does not communicate with the wards in which men are detained. Women detainees do not have the right to communicate with male detainees except where there is prior permission from the Prison Director.<sup>94</sup></p> <p>Police detention cells are individual, so women are detained at pre-trial, serving a sentence up to 15 days or awaiting deportation, separately from men but there are no separate wards for women detainees. In most cases, women are detained in police stations where only women are detained.</p>
<p>c) Are there any national standards for special hygiene conditions and/or hygiene products for female detainees? If so, what do they require?</p>
<p>There are no special standards of hygiene applicable to female detainees.</p>
<p>d) Are there any national standards for special healthcare for female detainees that respond to their specific needs, including i.e. pregnancy and post-natal treatment, and treatment/support of mother and child? If so, what do they require?</p>
<p>The Prison Director may permit an infant baby of a woman detainee born while the mother was serving her sentence to remain in the Prison together with the woman detainee for as long as she is breastfeeding. The stay of the baby with the mother in Prison may be prolonged until the baby reaches two years of age if a medical officer</p>

<sup>92</sup> Cyprus, Prison (General) Regulations of 1997 [[Οι περί Φυλακών \(Γενικοί\) Κανονισμοί του 1997](#)] issued under the Prison Laws, No. 121, 18 April 1997, article 45.

<sup>93</sup> Letter from the prison authorities to the FRANET contractor 28 June 2021.

<sup>94</sup> Cyprus, Prison (General) Regulations of 1997 [[Οι περί Φυλακών \(Γενικοί\) Κανονισμοί του 1997](#)] issued under the Prison Laws, No. 121, 18 April 1997, article 45(3).

certifies that removing the baby from the mother might negatively impact the baby's state of health.<sup>95</sup>

For babies born before the mother was imprisoned, the Prison Director may permit their stay in Prison together with their mother for as long as the baby is breastfeeding provided this is necessary for medical reasons. In such cases, the babies can remain in prison until they reach the age of one.<sup>96</sup>

Any extension of the stay of a baby in prison beyond the ages of two and one respectively must be sanctioned by a Court order.<sup>97</sup>

The expenses for the nutrition, maintenance and medical care of babies whilst in prison are borne by the State.<sup>98</sup>

According to the Prison Authorities, gender-specific personal hygiene products are supplied free of charge to all women detainees.<sup>99</sup>

#### *Police detention*

By contrast, in police detention cells, personal hygiene supplies for women detained in police stations are either provided by the police station or arrangements are made by the police station in order for the women detainees to be supplied with these goods, at the women's own expense.<sup>100</sup> Breastfeeding women must be afforded the undefined 'necessary arrangements' so as to continue breastfeeding in private and are permitted to have their baby reside with them in the cell provided they cover the baby's expenses themselves. The police station must make 'necessary arrangements' which are not defined, so that the pregnancy or health of women detainees is not adversely affected.<sup>101</sup>

e) Are there any national standards on pregnant detainees in terms of special prison cells for pregnant detainees and/or special facilities for female detainees with babies or young children? If so, what do they require?

There are no special standards applicable for pregnant detainees. The national standard regarding medical care according to needs, as detailed in 5(a) above, applies to pregnant women detainees as well.

f) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

There are no different standards applicable to different detention regimes; standards differ between the central prison, where persons can be detained pre-trial and serving a sentence, and the police detention cells where persons can be detained mainly pre-trial but also serving a sentence under 15 days.

<sup>95</sup> Cyprus, Prison (General) Regulations of 1997 [[Οι περί Φυλακών \(Γενικοί\) Κανονισμοί του 1997](#)] issued under the Prison Laws, No. 121, 18 April 1997, article 46(1).

<sup>96</sup> Cyprus, Prison (General) Regulations of 1997 [[Οι περί Φυλακών \(Γενικοί\) Κανονισμοί του 1997](#)] issued under the Prison Laws, No. 121, 18 April 1997, article 46(2).

<sup>97</sup> Cyprus, Prison (General) Regulations of 1997 [[Οι περί Φυλακών \(Γενικοί\) Κανονισμοί του 1997](#)] issued under the Prison Laws, No. 121, 18 April 1997, article 46(3).

<sup>98</sup> Cyprus, Prison (General) Regulations of 1997 [[Οι περί Φυλακών \(Γενικοί\) Κανονισμοί του 1997](#)] issued under the Prison Laws, No. 121, 18 April 1997, article 46(4).

<sup>99</sup> Letter from the prison authorities to the FRANET contractor, 28 June 2021.

<sup>100</sup> Cyprus, Law on the rights of persons arrested and detained ([Ο περί των Δικαιωμάτων Προσώπων που Συλλαμβάνονται και Τελούν υπό Κράτηση Νόμος](#)) N.163(I)/2005, Article 22.

<sup>101</sup> Cyprus, Law on the rights of persons arrested and detained ([Ο περί των Δικαιωμάτων Προσώπων που Συλλαμβάνονται και Τελούν υπό Κράτηση Νόμος](#)) N.163(I)/2005, Article 22.

g) Please indicate any remedies available to female detainees in case of a breach or violation of the standards addressed under 8. a) – f), including their respective legal basis.

A Prisons Council appointed by the Council of Ministers<sup>102</sup> examines complaints from detainees and, if it deems it necessary, submits the complaint to the Justice Minister and the Prison Director.<sup>103</sup> The decision of the Prisons Council or the Prison Director is not subject to challenge through the process of judicial review foreseen in the Constitution, but the complainant detainee may be able to sue the Prison Director in the District Court for human rights violations claiming compensation,<sup>104</sup> a procedure that may take up to ten years before a decision can be issued.<sup>105</sup>

In case of disciplinary proceedings against detainees, the decisions of the prison director must always be justified and recorded in detail in the minutes of the trial and lodged in a summary form in the Registry of Disciplinary Offences and Detainees' Sanctions. The detailed minutes and all written statements and testimonies are recorded in the detainees' personal file.<sup>106</sup>

h) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 May 2018 to 15 April 2021, if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding this aspect (please provide the exact quotation in both, the national as well as in English language) These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

The reports of the NPM did not contain any relevant reference.

## 9. Nutrition

a) Are there any national standards with regard to nutrition in detention in general? If so, what do they require?

### *Central prison standards*

Prison regulations require that the food given to detainees, irrespective of their detention regime, must be healthy, nutritious, suitably prepared and packed, reasonably diverse, satisfactory from the perspective of both quantity and quality and adjusted to the principles of dietary contemporary hygiene. The daily diet is checked and monitored by the medical officer and the Prison Director who check the quality, quantity and general condition of the food prepared on a daily basis. The medical officer determines special or additional diets for those who detainees who need, taking into account, wherever possible, requirements due to health or religious reasons. No detainee will be served with a smaller quantity of food except following recommendation from the

<sup>102</sup> Cyprus, Law on prisons of 1996 ([Ο περί Φυλακών Νόμος του 1996](#)) N. 62(I)/1996, Article 23.

<sup>103</sup> Cyprus, Law on prisons of 1996 ([Ο περί Φυλακών Νόμος του 1996](#)) N. 62(I)/1996, Article 25.

<sup>104</sup> Cyprus, Administrative Court (2021), A.T. v Ministry of Justice and Public Order ([Α.Τ. v. Υπουργείο Δικαιοσύνης και Δημόσιας Τάξης](#)), Case No. 279/2019, 16 March 2021; Cyprus Administrative Court, Xenophonotos and Plesco v. Republic of Cyprus through the Central Prison Director and/or the Justice Minister ([Ξενοφώντος και Plesco v. Κυπριακής Δημοκρατίας, μέσω Διευθυντή Κεντρικών Φυλακών και/η Υπουργού Δικαιοσύνης](#)), Case No. 41/2015, 9 August 2018.

<sup>105</sup> Cyprus, District Court of Nicosia, Christodoulou v. Loizou and Attorney General ([Χριστοδουλου v. Λοΐζου και Γενικού Εισαγγελέα](#)), Case No. 7046/2011, 7 August 2019

<sup>106</sup> Cyprus, Prison (General) Regulations of 1997 [[Οι περί Φυλακών \(Γενικοί\) Κανονισμοί του 1997](#)] issued under the Prison Laws, No. 121, 18 April 1997, article 159.

medical officer. The medical officer examines the food supplied to detainees and may recommend increase, decrease or amendment of the diet of any detained patient; this recommendation is recorded in the diary and the competent nutrition officer is notified.<sup>107</sup> According to the prison authorities, detainees have a choice from eight menus which are compiled monthly by a dietician from the Health Ministry in collaboration with the Prison Director and the Kitchen Chief, based on health issues, preferences and religious practices. The food consists of breakfast, lunch and dinner which is accompanied by a snack that detainees can transfer into their cells. The prison kitchens are regularly inspected by the state Health Services and are licensed to operate as kitchens. Pipes and water tanks for drinking water are regularly cleaned and inspected.<sup>108</sup>

Detainees are not permitted to keep food other than the one served by the prison authorities, except following permission from the medical officer.<sup>109</sup>

In the event where a detainee on hunger strike enters a condition dangerous to his life or entailing a risk for severe or permanent injury to his health or is not in a position to exercise free will, then the medical officer may in collaboration with the doctors at the hospital perform force-feeding.<sup>110</sup>

#### *Police detention standards*

The national standard is a duty on the police station director to ensure that the food is 'suitable and adequate'.<sup>111</sup> No details are provided.

b) Are there any national standards with regard to frequency and regularity of provision of meals (warm and cold)? If so, what do they require?

There are no national standards with regard to frequency and regularity of meals or whether they must be warm or cold.

c) Are there any national standards with regard to healthy food, special diets or dietary restrictions? If so, what needs to be provided to detainees?

The diet is determined by the Prison Director following recommendation of the Prison medical officer, taking into account the age, health, work and, as far as possible, the religious convictions of the detainees.<sup>112</sup>

d) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

There are no different standards applicable to different detention regimes, except that the Prison Director may permit detainees in the open prison to accept other food delivered from a list of permitted items.<sup>113</sup>

<sup>107</sup> Cyprus, Prison (General) Regulations of 1997 [[Οι περί Φυλακών \(Γενικοί\) Κανονισμοί του 1997](#)] issued under the Prison Laws, No. 121, 18 April 1997, article 74.

<sup>108</sup> Letter from the prison authorities to the FRANET contractor, 28 June 2021.

<sup>109</sup> Cyprus, Prison (General) Regulations of 1997 [[Οι περί Φυλακών \(Γενικοί\) Κανονισμοί του 1997](#)] issued under the Prison Laws, No. 121, 18 April 1997, article 60.

<sup>110</sup> Cyprus, Prison (General) Regulations of 1997 [[Οι περί Φυλακών \(Γενικοί\) Κανονισμοί του 1997](#)] issued under the Prison Laws, No. 121, 18 April 1997, article 85.

<sup>111</sup> Cyprus, Law on the rights of persons arrested and detained ([Ο περί των Δικαιωμάτων Προσώπων που Συλλαμβάνονται και Τελούν υπό Κράτηση Νόμος](#)) N.163(I)/2005 as amended, Article 19(3).

<sup>112</sup> Cyprus, Prison (General) Regulations of 1997 [[Οι περί Φυλακών \(Γενικοί\) Κανονισμοί του 1997](#)] issued under the Prison Laws, No. 121, 18 April 1997, article 60.

<sup>113</sup> Cyprus, Prison (General) Regulations of 1997 [[Οι περί Φυλακών \(Γενικοί\) Κανονισμοί του 1997](#)] issued under the Prison Laws, No. 121, 18 April 1997, article 131.

e) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 9. a) – d), including their respective legal basis.

A Prisons Council appointed by the Council of Ministers<sup>114</sup> examines complaints from detainees, including complaints regarding nutrition, and if it deems it necessary, submits the complaint to the Justice Minister and the Prison Director.<sup>115</sup> The decision of the Prisons Council or the Prison Director is not subject to challenge through the process of judicial review foreseen in the Constitution, but the complainant detainee may be able to sue the Prison Director in the District Court for human rights violations claiming compensation,<sup>116</sup> a procedure that may take up to ten years before a decision can be issued.<sup>117</sup>

In case of disciplinary proceedings against detainees, the decisions of the prison director must always be justified and recorded in detail in the minutes of the trial and lodged in a summary form in the Registry of Disciplinary Offences and Detainees' Sanctions. The detailed minutes and all written statements and testimonies are recorded in the detainees' personal file.<sup>118</sup>

f) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 May 2018 to 15 April 2021, if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspect (please provide the exact quotation in both, the national as well as in English language) These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

National Preventive Mechanism (2020), 'Report on the visit to the Paphos Police Detention Centre on 1 September 2020' ([Έκθεση αναφορικά με την επίσκεψη που διενεργήθηκε στα αστυνομικά κρατητήρια Πάφου την 1<sup>η</sup> Σεπτεμβρίου 2020](#)), 24 September 2020.

Συγκεκριμένα, διαπιστώθηκε ότι οι κρατούμενοι λαμβάνουν δύο γεύματα κατά τις πρωινές και τις βραδινές ώρες, τα οποία περιλαμβάνουν ξηρή τροφή (π.χ. ψωμί, μαρμελάδα, καφέ, τσάι, ζαμπόν φρούτο), ενώ το μεσημέρι λαμβάνουν μαγειρεμένη τροφή. Υπάρχει, επίσης, η δυνατότητα παραγγελίας φαγητού από εστιατόρια/ταχυφαγεία. Σε επιθεώρηση δε της τροφής που παραλήφθηκε για σίτιση των κρατουμένων κατά την ημέρα της επίσκεψης, διαπιστώθηκε ότι αυτή ήταν ικανοποιητική, τόσο σε ποιότητα, όσο και ποσότητα. Σημειώνω ότι τα διεθνή πρότυπα ορίζουν ότι η σίτιση των κρατουμένων πρέπει να περιλαμβάνει τρία γεύματα, εκ των οποίων τουλάχιστον ένα πλήρες γεύμα (μαγειρεμένη τροφή) την ημέρα.

Specifically, detainees were found to receive two meals in the morning and evening, which include dry food (e.g., bread, jam, coffee, tea, ham fruit), while at noon they received cooked food. There is also the possibility of ordering food from restaurants / fast food restaurants. An inspection of the food received to feed the detainees on the

<sup>114</sup> Cyprus, Law on prisons of 1996 ([Ο περί Φυλακών Νόμος του 1996](#)) N. 62(I)/1996, Article 23.

<sup>115</sup> Cyprus, Law on prisons of 1996 ([Ο περί Φυλακών Νόμος του 1996](#)) N. 62(I)/1996, Article 25.

<sup>116</sup> Cyprus, Administrative Court (2021), A.T. v Ministry of Justice and Public Order ([A.T. v. Υπουργείο Δικαιοσύνης και Δημόσιας Τάξης](#)), Case No. 279/2019, 16 March 2021; Cyprus Administrative Court, Xenophonotos and Plesco v. Republic of Cyprus through the Central Prison Director and/or the Justice Minister ([Ξενοφώντος και Plesco v. Κυπριακής Δημοκρατίας, μέσω Διευθυντή Κεντρικών Φυλακών και/η Υπουργού Δικαιοσύνης](#)), Case No. 41/2015, 9 August 2018.

<sup>117</sup> Cyprus, District Court of Nicosia, Christodoulou v. Loizou and Attorney General ([Χριστοδουλου v. Λοΐζου και Γενικού Εισαγγελέα](#)), Case No. 7046/2011, 7 August 2019

<sup>118</sup> Cyprus, Prison (General) Regulations of 1997 [[Οι περί Φυλακών \(Γενικοί\) Κανονισμοί του 1997](#)] issued under the Prison Laws, No. 121, 18 April 1997, article 159.

day of the visit found that it was satisfactory, both in quality and quantity. I note that international standards stipulate that the diet of prisoners should include three meals, of which at least one full meal (cooked food) per day.

## Part II: National jurisprudence

Cyprus, Administrative Court (Διοικητικό Δικαστήριο), Nicosia / 279/2019, 16 March 2021.

<b>Thematic area</b>	<b><i>Effective remedy/ Solitary confinement</i></b>
<b>Decision date</b>	16 March 2021
<b>Reference details</b>	Cyprus Administrative Court, A.K. v. Ministry of Justice and Public Order ( <a href="#">Α.Κ. v Υπουργείου Δικαιοσύνης και Δημόσιας Τάξης</a> ), Case No. 279/2019.
<b>Key facts of the case</b>	The applicant was a prisoner who filed a recourse at the Administrative Court without a lawyer, seeking on order to confirm that the Justice Ministry had infringed his rights and claiming compensation. Following advice from the Court, he amended his application in order to challenge the decision to place him in solitary confinement for six days in 2018 and the failure of the authorities to transfer his letters and claims to competent organisations and authorities, in violation of article 13 of the ECHR. He had been placed in solitary confinement because for using unruly and provocative language and for making false statements about prison staff. The prison director initially ordered four days of solitary confinement and subsequently extended this by two more days.
<b>Main reasoning/argumentation</b>	The prison regulations were amended in 2018 following a ruling against Cyprus from ECtHR <sup>119</sup> and based on recommendations from the CPT, to provide that discipline and order must be maintained decisively, however solitary confinement must be avoided and used only as necessary for the safe keeping and maintenance of discipline and order. The competent body to examine complaints from detainees is the Prison Board. The applicant argued that the ECtHR found that the authorities had a duty to provide effective recourse mechanisms and established that the District Court is not the suitable court for such a recourse and does not meet the requirement of an effective protection mechanism as required by article 13 of the ECHR. The applicant argued that the judicial review process is the only suitable legal route in order to challenge decisions of a body exercising executive or administrative authority in violation of any law or in excess of its powers. The Justice Ministry submitted a preliminary objection arguing that the decision of the Prison Director was not an executory act and as such it could not be challenged through the judicial review process.

<sup>119</sup> European Court of Human Rights (2010), [Case of Onoufriou v Cyprus](#), Application No.24407/04, 7 January 2010.



<p><b>Key issues (concepts, interpretations) clarified by the case</b></p>	<p>The issue at stake was whether the acts of the Prison Director can be considered as executory acts and as such be challenged at the Administrative Court through the judicial review process or whether they amount to an internal measure in the framework of the exercise of the Director's powers in maintaining discipline and order. The Court found that it is not in a position to assess and evaluate the internal discipline measures adopted by the Prison Director aiming at maintaining order and discipline. Although it recognised that the authorities had the duty to provide an effective mechanism for the review of the decisions of the Prison Director, this does not necessarily mean that the decisions of the Prison Director should be subjected to direct judicial control before the administrative court. The Court concluded that the ECtHR in <i>Onoufriou</i> was not convinced that the judicial review process offered an effective remedy to a detainee complaining about a decision of the Prison Director and in fact the ECtHR had noted that there was never a case where the prison director's decision was challenged through the judicial review procedure. The Court noted that the existence of the Prison Council as a potential complaints mechanism and stated that it was open to hear arguments as to whether a decision of the Prison Council could be challengeable through judicial review but no such case appeared before it.</p>
<p><b>Results (sanctions) and key consequences or implications of the case</b></p>	<p>The Court endorsed the Justice Ministry's preliminary objections and rejected the prisoner's application. It issued no order as regards the costs since the applicant was a prisoner at the time of the trial. The Court concluded that the Council of Europe's Recommendation on the European Prison Rules<sup>120</sup> required the existence of an independent body or court which can review, amend or cancel the decisions of the Prison Director with speedy procedures. Given that the recourse to the Prison Council was not used in this case, the Court refrained from deciding whether the Prison Council was such a suitable body. The issue at stake in the case at hand was whether the decisions of the Prison Director in the exercise of her powers was an executory act the legality of which can be challenged by the Administrative Court and the answer to that question was negative, since the Court lacked the power to check the substance of the decision.</p>
<p><b>Key quotation in original language and translated into English with reference details</b></p>	<p>Θεωρώ πως παρά την κρίση του Δικαστηρίου οι ενέργειες του Διευθυντή Φυλακών αποτελούν εσωτερικά διοικητικά μέτρα και όχι εκτελεστές διοικητικές πράξεις, το Δικαστήριο έχοντας υπόψη ότι ο αιτητής χειρίστηκε προσωπικά την υπόθεσή του και η επιχειρηματολογία του αφορούσε στην παράβαση των δικαιωμάτων του ως κρατούμενου στις Φυλακές, πως θα πρέπει να προβώ σε σχετικό σχολιασμό σε σχέση με τα επιχειρήματα του αιτητή, που επικεντρώθηκαν στο δικαίωμά του να τύχει</p>

<sup>120</sup> Council of Europe (2020), '[Recommendation Rec\(2006\)2-rev of the Committee of Ministers to member States on the European Prison Rules](#)' 1 July 2020.

	<p>αποτελεσματικής δικαστικής προστασίας, κατά των αποφάσεων και παραλείψεων της Διευθύντριας.</p> <p>Το ζήτημα της εκτελεστότητας της διοικητικής πράξης είναι ζήτημα νομικό. Η υποχρέωση της Πολιτείας να μεριμνήσει, ώστε να παρέχεται αποτελεσματική αναθεώρηση των αποφάσεων του Διευθυντή Φυλακών, όπως επανηλειμμένα έχει καταγραφεί από την Επιτροπή του Συμβουλίου της Ευρώπης, δεν μπορεί να συμβάλει στην δικαστική κρίση <i>περί της εκτελεστότητας</i> της διοικητικής πράξης. Αρμόδια για τα ζητήματα των σχετικών Κανονισμών και της διασφάλισης του δικαιώματος αποτελεσματικής προσφυγής σε ανεξάρτητη αρχή, σε περιπτώσεις που παραβιάζονται τα δικαιώματα κρατουμένων, είναι η εκτελεστική και η νομοθετική εξουσία.</p> <p>I consider that despite the judgment of the Court, the actions of the Prison Director are internal administrative measures and not executory administrative acts, the Court having in mind that the applicant personally handled his case and his argument concerned the violation of his rights as a prisoner, that I should comment on the applicant's arguments, which focused on his right to effective judicial protection against the Director's decisions and omissions.</p> <p>The issue of the executory nature of the administrative act is a legal one. The obligation of the State to ensure that an effective remedy against the decisions of the Prison Director is provided, as repeatedly noted by the Committee of the Council of Europe, cannot contribute to the judicial assessment regarding the <i>executory nature</i> of the administrative act. In cases where the rights of prisoners are violated, the competent authorities for providing an effective recourse to an independent authority are the executive and the legislature.</p>
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Cyprus, District Court of Nicosia (Επαρχιακό Δικαστήριο Λευκωσίας),  
Nicosia / 7046/2011, 7 August 2019

<b>Thematic area</b>	<b>Police detention/(Un-)Lawful use of force/Humiliating treatment</b>
<b>Decision date</b>	7 August 2019
<b>Reference details</b>	District Court of Nicosia, Christodoulou v. Loizou and Attorney General ( <a href="#">Χριστοδουλου v. Λοΐζου και Γενικού Εισαγγελέα</a> ), Case No. 7046/2011, 7 August 2019.
<b>Key facts of the case</b>	The plaintiff was a lawyer who, in 2011, walked into a police station to enquire about his client's employee who had been arrested and detained within the police station. During his exchange with the police officers, he was

	<p>arrested for using foul language and threatening behaviour against the police officers. He claimed he was detained for six and a half hours, was forcibly handcuffed and was made to remain handcuffed behind the reception desk, where he could be seen by all visitors and that his requests for food and for communication with a lawyer were declined. He sued the police officer in charge and the Attorney General for exceeding his powers, for degrading treatment, debasing and humiliating him. The defendants argued that they acted within their powers and that the plaintiff's arrest and detention were lawful.</p>
<p><b>Main reasoning/argumentation</b></p>	<p>The right not to be subjected to humiliating treatment whilst in detention is safeguarded by article 8 of the Constitution, article 3 of the ECHR and the national law regulating the rights of persons arrested and detained, which also casts a duty on the person in charge of the police detention centre to ensure the safety and bodily integrity of the detainee. The Court defined degrading treatment as treatment which humiliates or debases an individual, showing a lack of respect for, or diminishing, his or her human dignity, or arouses feelings of fear, anguish or inferiority capable of breaking an individual's moral and physical resistance.</p>
<p><b>Key issues (concepts, interpretations) clarified by the case</b></p>	<p>It cited ECHR jurisprudence to clarify that the humiliation involved must be more than that which follows inevitably from accepted forms of treatment such as imprisonment, clarifying that handcuffing does not normally give rise to violation of ECHR Article 3, unless it entails use of force or public exposure in excess of what is necessary and proportionate. The public nature of any treatment is relevant to its degrading character although it may be sufficient that a person is humiliated in his or her own eyes.</p>
<p><b>Results (sanctions) and key consequences or implications of the case</b></p>	<p>The Court did not accept either side's testimony in its entirety but accepted parts of both sides' testimonies, concluding that his arrest was lawful. The Court went on to rule that his detention conditions were unlawful because the duration of his detention was excessive under the circumstances and that his display in a publicly visible spot wearing handcuffs amounted to degrading and humiliating treatment that harmed his dignity and could give rise to feelings of fear and inferiority. The Court awarded to the plaintiff general and fair compensation of €4.000 plus interest from the date that his claim emerged in 2011 and declined the plaintiff's claim for aggravated compensation.</p>
<p><b>Key quotation in original language and translated into English with reference details</b></p>	<p>Είμαι, ακριβώς, της γνώμης και ως εκ τούτου κρίνω ότι, ούτε η διατήρηση των χειροπέδων, μετά που ο Ενάγοντας ηρέμησε και ήταν πλήρως συνεργάσιμος, κρίνεται δικαιολογημένη, στη βάση της ηλικίας του, του</p>

	<p>σωματότυπού του, της όλης, μετά τη σύλληψή του, συμπεριφοράς του και της απουσίας, πλέον λόγου που να δικαιολογεί κράτηση για ενδεχόμενη απόδραση ή διάπραξη οποιουδήποτε αδικήματος. Η διατήρηση των χειροπέδων, υπό αυτές τις συνθήκες, σε συνδυασμό και με το γεγονός ότι ο Ενάγοντας, φέροντάς τες, τοποθετήθηκε σε κοινή θέα των διερχομένων από το σταθμό, αποτέλεσε βασικό παράγοντα, για τη κατάληξη στην εκφρασθείσα ήδη κρίση μου περί ταπεινωτικής μεταχείρισης.</p> <p>I am precisely of the opinion, and therefore I judge, that neither the preservation of the handcuffs, after the Plaintiff calmed down and was fully cooperative, is considered justified, on the basis of his age, his body type, his entire behaviour after his arrest and the absence of any reason to justify his detention for possible escape or commission of any offense. The preservation of the handcuffs, in these conditions, in combination with the fact that the plaintiff, handcuffed, was placed in public view of the visitors to the station, was a key factor in my conclusion of humiliating treatment as already expressed.</p>
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Cyprus, Administrative Court (Διοικητικό Δικαστήριο), Nicosia / Case number 41/2015, 9 August 2018

<b>Thematic area</b>	<b><i>Effective remedy, Time out of cell, Different detention regimes</i></b>
<b>Decision date</b>	9 August 2018
<b>Reference details</b>	Cyprus Administrative Court, Xenophontos and Plesco v. Republic of Cyprus through the Central Prison Director and/or the Justice Minister ( <a href="#"><u>Ξενοφώντος και Plesco v. Κυπριακής Δημοκρατίας, μέσω Διευθυντή Κεντρικών Φυλακών και/η Υπουργού Δικαιοσύνης</u></a> ), Case No. 41/2015, 9 August 2018.
<b>Key facts of the case</b>	Applicant no. 1 was serving a life sentence in prison. Applicant no. 2 was his wife; she was not in prison. The two applicants applied to the court seeking to annual the decision of the Prison Director, issued in 2014, which declined their request to be provided with suitable conditions in order to meet privately and have a baby. The Prison Director had responded that given the absence of suitable infrastructure in the prison building, the request essentially amounted to an application for an exit permit. In order for an exit permit to be granted to prisoners serving a life sentence, they must have completed ten years of continuous detention. The applicants claimed that the Director’s refusal violated their constitutional rights and was made in excess of her powers.

<p><b>Main reasoning/argumentation</b></p>	<p>The respondents raised a preliminary objection that the Prison Director's decision was not an executory act but merely a measure of internal nature and as such it cannot be challenged through the judicial review procedure. The applicants argued that the decision deprives both applicants, one of whom is not even in prison, of their constitutional right to start a family, due to insufficient building infrastructure which is the responsibility of the respondents. The applicants added that the respondents exercised their discretion in violation of the Constitution and ought to have identify a suitable space in the prison to enable them to have a child.</p>
<p><b>Key issues (concepts, interpretations) clarified by the case</b></p>	<p>Prison regulations provide that prisoners serving a life sentence must have completed ten years of sentence before they can apply for an exit permit in order to strengthen their family and societal ties. There is a strong judicial tradition that administrative decisions relating to the functioning of the prisons, including decisions that may be viewed as a punishment, are not executory administrative acts and therefore cannot be challenged through the judicial review procedure. Matters relating to deprivation of rights as regards the prisoners' family ties are also considered part of the internal functioning of the prison and therefore not subject to judicial review, although they may fall under the jurisdiction of the district courts as violations of human rights</p>
<p><b>Results (sanctions) and key consequences or implications of the case</b></p>	<p>The application for judicial review was rejected as the act complained of was not executory and could not be challenged through the judicial review procedure. The applicants were ordered to pay €1300 legal costs in favour of the respondents.</p>
<p><b>Key quotation in original language and translated into English with reference details</b></p>	<p>Πριν την συμπλήρωση των δέκα χρόνων, ο Διευθυντής έχει εξουσία να επιτρέψει τη μεταφορά του κρατούμενου με κατάλληλη συνοδεία εκτός των φυλακών σε συγκεκριμένες περιπτώσεις, στις οποίες δεν συγκαταλέγεται η περίπτωση του αιτητή. Συναφώς, και με δεδομένη την πάγια νομολογία του Δικαστηρίου επί του θέματος, όπως αυτή έχει εκτεθεί ανωτέρω, κατά την άποψη μου η προσβαλλόμενη απόφαση, η οποία εκδόθηκε στα πλαίσια της αρμοδιότητας του αποφασίζοντας οργάνου και των εξουσιών που απορρέουν από τη σχετική Νομοθεσία και αποσκοπεί στην εύρυθμη λειτουργία και ασφάλεια των φυλακών, δεν αποτελεί εκτελεστή διοικητική πράξη.</p> <p>Prior to the completion of ten years, the Director shall have the power to authorize the transfer of the detainee with appropriate escort out of prison in specific cases, which do not include the applicant's case. In that regard, and in light of established case law of the Court on the matter, as set out above, in my view the contested decision, which was delivered within the competence of the decision-making body aiming at the proper functioning and security of prisons, is not an executory administrative act.</p>

Cyprus, European Court of Human Rights, Strasbourg / Application no. 43639/12, 4 December 2018

<b>Thematic area</b>	<b><i>Police cell conditions - Lack of fresh air, no air-condition or heating, no access to hygiene products, food incompatible with religious beliefs</i></b>
<b>Decision date</b>	4 December 2018
<b>Reference details</b>	European Court of Human Rights, <a href="#">Khan v Cyprus</a> , Application no. 43639/12
<b>Key facts of the case</b>	The applicant, a Vietnamese national, applied to the Court submitting that the conditions of her detention at the police station for about five months, from March 2012 until July 2012, pending her deportation constituted inhuman and degrading treatment in breach of Article 3 of the ECHR. The women's wing at Limassol Police Station had been overcrowded, the cells lacked fresh air and the air-conditioning/heating system did not function properly. During the duration of her detention, the temperature dropped below zero. The detention authorities refused to bring her hygiene products and the food which was provided by an external restaurant was not compatible with her religious beliefs.
<b>Main reasoning/argumentation</b>	The Court first noted that it has previously made clear that police stations and other similar establishments are places designed to accommodate people for very short duration and are therefore not appropriate places for the detention of people who are waiting for the application of an administrative measure, such as deportation. The European Committee for the Prevention of Torture and the national Ombudsman had both reported that the police station in question was deemed unsuitable for accommodating people for longer duration.
<b>Key issues (concepts, interpretations) clarified by the case</b>	The documentation provided by the Cypriot government for the period of the applicant's detention was incomplete, as no consistent and continuous records were kept on the precise cells in which the applicant was held and the number of detainees held in them every day. The government was therefore deemed to have failed to submit information capable of refuting the applicant's allegations that the women's wing at the police station was overcrowded and that for the greater part of her detention she was held in cells in which she had less than 3 sq. m of available space.
<b>Results (sanctions) and key consequences or implications of the case</b>	The Court concluded that during the relevant period the conditions of the applicant's detention subjected her to hardship going beyond the unavoidable level of suffering inherent in detention and thus amounted to degrading treatment prohibited by Article 3 of the ECHR.
<b>Key quotation in original language and translated</b>	The applicant submitted that throughout her detention the women's wing at the station had been full beyond its capacity, to the point that there was a flagrant lack of

<p><b>into English with</b> <b>reference details</b></p>	<p>personal space. The Ombudsman’s report following her visit during the relevant period lends credence to the applicant’s allegations ... The Court reiterates that Convention proceedings such as those relating to the present application do not in all cases lend themselves to a rigorous application of the principle affirmanti incumbit probatio (he who alleges something must prove that allegation), as in certain instances the respondent Government alone have access to information capable of corroborating or refuting allegations. A failure on a Government’s part to submit such information without a satisfactory explanation may give rise to the drawing of inferences as to the well-foundedness of the applicant’s allegations (paragraphs 47-48)</p>
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