



# Report of Various Size – Fieldwork research (FRANET)

## Criminal Detention in the EU – Conditions and Monitoring

### Country Report Cyprus

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## 1. Cell space

- a) What is the national standard for cell space available to prisoners in m<sup>2</sup>? Is it regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?
- b) Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).
- c) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

**Please cite any relevant sources**

### a) National standard for cell space

#### (i). *The Central Prison regulation*

In Cyprus there is only one prison (commonly referred to as 'the Central Prison') consisting of different blocks and with different detention regimes. However, the entire establishment is regulated by minimum standards as regards cell size specified in the Prison Regulations, which apply to all blocks and to all the different detention regimes. According to the Prison Regulations, the size of individual prison cells must be no less than seven square metres; the size of communal wards must be of such size so that at least four square metres accrue to each detainee.<sup>1</sup> The same minimum specifications apply also to cells of solitary confinement.<sup>2</sup>

#### *The practice in the Central Prison*

A visit conducted by the CPT in 2017 highlighted a serious overcrowding problem, particularly in the closed part of the prison, where the occupancy was 564 for a capacity of 397, as opposed to the open prison where the occupancy was 33 for a capacity for 106.<sup>3</sup> The CPT found that alternatives to detention are not sufficiently utilised whilst lengthy remand periods, which could be the maximum sentence permitted for the offence, as a result of deficiencies in the court processes, further aggravate the problem of overcrowding, in addition to infringing the principle of proportionality in remand detention. Although some prison blocks were recently renovated (Blocks 3, 4, 9; and 10 which is the psychiatric care unit), other parts of the prison are still overcrowded, particularly Blocks 1 and 2, whose total capacity is 148 and occupancy was 265 at the time of the CPT visit. In these blocks, the cells were designed for single occupancy (around 6m<sup>2</sup>) but were accommodating two persons rather than one. Cells in the newly established mental health unit (Block 10) measured about 7.5m<sup>2</sup> The CPT recommended that cells smaller than 8m<sup>2</sup> be used to accommodate only one prisoner and that the living space in multiple-occupancy cells be at least 4m<sup>2</sup> per prisoner.

<sup>1</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). Available at [www.cylaw.org/KDP/data/1997\\_1\\_121.pdf](http://www.cylaw.org/KDP/data/1997_1_121.pdf)

<sup>2</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). Available at [www.cylaw.org/KDP/data/1997\\_1\\_121.pdf](http://www.cylaw.org/KDP/data/1997_1_121.pdf)

<sup>3</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, paragraph 73. Available at <https://rm.coe.int/16807bf7b4>

In its 2017 visit, the CPT located one prisoner held in the gatehouse area in a cell of 5m<sup>2</sup> in conditions akin to solitary confinement.<sup>4</sup>

By virtue of a decision of the prison board, foreign nationals are barred from progression to semi-open and open prison and for parole. This inequality of treatment generates considerable discontent amongst foreign inmates and leads to tensions between foreign inmates and staff.<sup>5</sup>

*(ii). Police stations*

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>6</sup>

*Regulations for detention at police stations*

The law requires that police cells are of a 'reasonable size'.<sup>7</sup> The size of single cells must be seven square metres, with at least two metres between the walls and 2.5 metres high. Cells occupied by more than one person must have at least four square metres for each detainee without counting the space of sanitary facilities where these are located within the cell.<sup>8</sup>

*The practice in police stations*

During its 2017 visit, the CPT concluded, on the basis of the police stations visited, that the single-occupancy cells were of sufficient size (measuring from seven to 12 m<sup>2</sup>).

**b) Standards for different detention regimes**

No separate cell size standards are foreseen for the different detention regimes. The Prison Regulations provide the minimum size which must be observed for all categories of prisoners irrespective of the detention regime.<sup>9</sup>

**c) National Preventive Mechanism**

The national preventive mechanism did not publish any reports dealing wholly or in part with cell space.

**2. Sanitary Facilities**

<sup>4</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, paragraph 79. Available at <https://rm.coe.int/16807bf7b4>

<sup>5</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, paragraph 101. Available at <https://rm.coe.int/16807bf7b4>

<sup>6</sup> Cyprus, Constitution of the Republic of Cyprus (*Σύνταγμα της Κυπριακής Δημοκρατίας*), 16 August 1960, Article 11. Available at [www.cylaw.org/nomoi/enop/non-ind/syntagma/index.html](http://www.cylaw.org/nomoi/enop/non-ind/syntagma/index.html)

<sup>7</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(1)(c). Available at [www.cylaw.org/nomoi/enop/non-ind/2005\\_1\\_163/full.html](http://www.cylaw.org/nomoi/enop/non-ind/2005_1_163/full.html)

<sup>8</sup> Letter from the police to the FRANET contractor, 24 May 2018.

<sup>9</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). Available at [www.cylaw.org/KDP/data/1997\\_1\\_121.pdf](http://www.cylaw.org/KDP/data/1997_1_121.pdf)

- a) What is the national standard with regard to access to toilets? Are these located in cells? If not, do prisoners have access to these facilities without undue delay, even during the night? Do these facilities offer privacy to prisoners who use them?
- 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 offer privacy to prisoners who use them?
- c) Is the provision of cleanly sanitary facilities regulated by any legal instrument such as a legislative act, internal prison regulations, manuals, policy papers etc.?
- d) *Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).*
- e) *Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>*

**Please cite any relevant sources**

**a) Access to toilets**

(i) The Central Prison

There is only one prison in Cyprus, regulated by the Prison Regulations, which provide that there must be 'a satisfactory number of toilets' in the entire prison establishment. Regulations however do not regulate access to the toilets<sup>10</sup> and there are no detailed rules as regards access.

According to a CPT report published in 2018, in the few areas where there were in-cell toilets (Blocks 3 and 9 of the Central Prison), these were only semi-partitioned from the room with a one-metre high screen in a cell, which two or more persons shared, affording little privacy. The lack of privacy was aggravated by the fact that all cell doors were kept open during the day, exposing the use of the toilet to other prisoners. With regard to access to toilets for prisoners occupying cells without toilets, the CPT delegation received complaints that call bells were not responded to promptly during the night. Most of the male prisoners interviewed urinated into a bottle during the night, rather than wait for the cell door to be opened. The CPT recommended that all inmates be guaranteed ready access to the toilet, including at night.<sup>11</sup>

(ii) Police stations

According to policy, 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>12</sup>

As detention conditions vary from one police station to another, information derived from the various monitoring reports is inevitably fragmented.

<sup>10</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). Available at [www.cylaw.org/KDP/data/1997\\_1\\_121.pdf](http://www.cylaw.org/KDP/data/1997_1_121.pdf)

<sup>11</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. Available at <https://rm.coe.int/16807bf7b4>

<sup>12</sup> Cyprus, Police Regulation 5/3 'Handling and rights of detainees' (not available on line); Letter from the police to the FRANET contractor, 24 May 2018.

### **b) Access to regularly cleaned shower/bathing facilities**

The Prison Regulations provide that there must be a ‘satisfactory number of bathrooms with hot and cold water’.<sup>13</sup> According to policy, police detention centres must have sanitary equipment, including shower and sink, either within the cell or common use with hot and cold water. Where the equipment is located within the cell, a partition must be placed to ensure privacy.<sup>14</sup>

There is no reference in any of the monitoring reports as to how these regulations are implemented. The issue of cleanliness and duty to clean is dealt with under c) below.

### **c) Regulation of clean sanitary facilities**

With regard to the cleaning of prison sanitary facilities, the prison authorities are under a duty to secure their hygiene and good operation, 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>15</sup> There are no detailed rules on cleaning of sanitary facilities.

With regard to sanitary facilities in police detention centres throughout Cyprus, the police has concluded a contract with a private company for their cleaning and sterilisation.<sup>16</sup>

Monitoring body reports have repeatedly flagged the lack of cleanliness of sanitary facilities in police detention centres. A visit to a police station conducted by the National Mechanism for the Prevention of Torture in 2017 revealed that the sanitary facilities within the cells of the particular centre were not clean. The report of the National Mechanism stated that the responsibility for cleaning of sanitary facilities rests with the detention authority and not the detainees and recommended that the authorities examine alternative solutions for the cleaning of sanitary facilities and ensure their due sterilization every time there is a change of occupants.<sup>17</sup> The CPT also described the state of hygiene at another police detention centre as ‘poor’.<sup>18</sup>

### **d) Regulation of different detention regimes**

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

### **e) National Preventive Mechanism’s reports**

<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 58(9). Available at [www.cylaw.org/KDP/data/1997\\_1\\_121.pdf](http://www.cylaw.org/KDP/data/1997_1_121.pdf)

<sup>14</sup> Cyprus, Police Regulation 5/3 ‘Handling and rights of detainees’ (not available on line); Letter from the police to the FRANET contractor, 24 May 2018.

<sup>15</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). Available at [www.cylaw.org/KDP/data/1997\\_1\\_121.pdf](http://www.cylaw.org/KDP/data/1997_1_121.pdf)

<sup>16</sup> Letter from the police to the FRANET contractor, 29 May 2018.

<sup>17</sup> National mechanism for the prevention of torture (2018), *Report concerning the visit at the Oroklini police detention centre on 30 November 2017*, 3 April 2018, Ref. EMP 2.17, available at [www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/2617F333BB40C9C6C225826C0030CDE4/\\$file/%CE%95%CE%9C%CE%A0%202.17\\_03042018.pdf?OpenElement](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/2617F333BB40C9C6C225826C0030CDE4/$file/%CE%95%CE%9C%CE%A0%202.17_03042018.pdf?OpenElement)

<sup>18</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, paragraph 43. Available at <https://rm.coe.int/16807bf7b4>

Link to National Preventive Mechanism's reports:

[www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/2617F333BB40C9C6C225826C0030CDE4/\\$file/%CE%95%CE%9C%CE%A0%202.17\\_03042018.pdf?OpenElement](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/2617F333BB40C9C6C225826C0030CDE4/$file/%CE%95%CE%9C%CE%A0%202.17_03042018.pdf?OpenElement)

[www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/70AE8103C233B667C2257E7B00273C69/\\$file/%CE%95%CE%9C%CE%A02.15-02032015.doc?OpenElement](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/70AE8103C233B667C2257E7B00273C69/$file/%CE%95%CE%9C%CE%A02.15-02032015.doc?OpenElement)

Recommendations of the National Preventive Mechanism with regard to the cleaning of sanitary facilities:

Quote 1

*Σχετικά με την καθαριότητα του χώρου, εισηγούμαι όπως η αρμόδια αρχή εξετάσει εναλλακτικούς τρόπους για την καθαριότητα των χώρων εντός των κρατητηρίων και όπως διασφαλίσει την κατάλληλη απολύμανση των κελιών κατά την αλλαγή των κρατουμένων.<sup>19</sup>*

[No official translation is available].

Quote 2

*Ζητήματα ανακύπτουν ιδιαίτερα λόγω της έλλειψης απολύμανσης και καθαριότητας των κελιών κατά την αλλαγή της χρήσης τους από έναν κρατούμενο σε άλλον, γεγονός που αναφέρθηκε επανειλημμένα από τους ίδιους τους κρατούμενους κατά τις συνεντεύξεις τους. Πέραν τούτου, οι κρατούμενοι δεν έχουν στην διάθεση τους οποιαδήποτε μέσα ( σαπούνι, υγρά καθαρισμού κλπ) για τον καθαρισμό των κελιών και των χώρων υγιεινής εντός αυτών, καθώς τέτοια δεν παρέχονται από τις αρχές του χώρου κράτησης.*

*Ως εκ τούτου, εισηγούμαι όπως η αρμόδια αρχή εξετάσει τρόπους για την καθαριότητα και απολύμανση των χώρων υγιεινής εντός των κελιών και των κρατητηρίων τόσο κατά την παραμονή των ίδιων κρατουμένων όσο και κατά την εισδοχή νέων κρατουμένων.<sup>20</sup>*

[No official translation is available].

### 3. Time out of cell

- a) What is the national standard set for time per day/week spent by prisoners outside of their cells:
  - a. Outdoors (within the boundary of the prison)?
  - b. Indoors in the common area?
- b) Are sports or other recreational and educational facilities available to prisoners? If so what types?
- c) Is time spent in cells regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?
- d) *Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).*

<sup>19</sup> National mechanism for the prevention of torture (2018), *Report concerning the visit at the Oroklini police detention centre on 30 November 2017*, 3 April 2018, Ref. EMP 2.17, available at

[www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/2617F333BB40C9C6C225826C0030CDE4/\\$file/%CE%95%CE%9C%CE%A0%202.17\\_03042018.pdf?OpenElement](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/2617F333BB40C9C6C225826C0030CDE4/$file/%CE%95%CE%9C%CE%A0%202.17_03042018.pdf?OpenElement)

<sup>20</sup> Cyprus, Commissioner for Administration and Human Rights, Independent Authority for the Prevention of Torture (2015), *Report regarding the visit carried out at Paphos police detention centre on 3 October 2014*, 2 March 2015. Available at

[www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/70AE8103C233B667C2257E7B00273C69/\\$file/%CE%95%CE%9C%CE%A02.15-02032015.doc?OpenElement](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/70AE8103C233B667C2257E7B00273C69/$file/%CE%95%CE%9C%CE%A02.15-02032015.doc?OpenElement)



- e) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

**Please cite any relevant sources**

**a) National standard for time outside cells (outdoors and indoors)**

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>21</sup>

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>22</sup>

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>23</sup>

**b) Availability of sports or other educational or recreational facilities**

Prison regulations provide for the right of detainees 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. Detainees have the right to physical training at least twice a week unless the authorities decide otherwise for a particular prisoner.

The CPT report noted that classes and purposeful activities on offer only accounted for a couple of hours of most prisoners' days; the rest of the day was unoccupied. Life-sentenced prisoners complained to CPT about lack of access to purposeful activities and spent large parts of their day idle, without an individual custody plan or any psycho-social support programmes. The CPT report recorded high levels of discontent from foreign prisoners (who account for about 40% of prison population) regarding their limited access to the occupational

<sup>21</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. Available at <https://rm.coe.int/16807bf7b4>

<sup>22</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. Available at <https://rm.coe.int/16807bf7b4>

<sup>23</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. Available at [www.cylaw.org/KDP/data/1997\\_1\\_121.pdf](http://www.cylaw.org/KDP/data/1997_1_121.pdf)

activities and discrimination regarding access to education, health care, work, recreation, parole, the semi-open and the open prison.<sup>24</sup>

#### *Police detention centres*

Currently, there are 20 police detention centres throughout the country, six of which have outdoor exercise space. As a matter of policy, the six centres with the outdoor facility are used for detaining persons for periods in excess of 24 hours and the rest are used for detention up to 24 hours. Detainees are entitled to use the outdoor area for at least one hour daily. The outdoor spaces are equipped with TV sets and books for the use of detainees.<sup>25</sup>

In practice, the situation differs from one police station to the other and information from the available reports provides only a fragmented picture. All of the police stations visited by the CPT in 2017 had recreational areas with access to fresh air and natural light for out-of-cell exercise, equipped with metal tables, benches fixed to the floor and a television. The conclusion of the CPT delegation which visited Cyprus in 2017 was that criminal suspects were generally held in police custody for periods longer than the maximum specified for the particular establishments, on average eight days and up to 15 days, when none of the police detention centres was equipped for such long stays.<sup>26</sup>

During an in site investigation carried out in 2013 at a police detention centre which usually accommodated persons pending their deportation, the National Preventive Mechanism also located the absence of any means of entertainment or occupation. In this context, the National Mechanism highlighted the fact that detention conditions of persons awaiting deportation should not resemble spaces where persons are serving criminal sentences, adding that the centre must provide sufficient means of recreation such as radio/television, newspapers and books.<sup>27</sup> Subsequent visits to other police detention centres confirmed that although most police detention centres had a courtyard with natural light and ventilation, there were no programmed activities and no recreation facilities available. Following a visit carried out in 2014, the National Mechanism flagged the lack of purposeful activities for detainees at the police detention centre in Paphos.<sup>28</sup> In July 2015 the National Mechanism conducted an on-site investigation into another police detention centre, which confirmed that no measure had been adopted for outdoor exercise, even though recreational space was made available to detainees. Foreign detainees were not permitted to leave their wing at all and could not visit the recreation common space. The National Mechanism recommended immediate adoption of measures to ensure outdoor

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<sup>24</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. Available at <https://rm.coe.int/16807bf7b4>

<sup>25</sup> Letter from the police to the FRANET contractor, 24 May 2018.

<sup>26</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, paragraphs 45-47. Available at <https://rm.coe.int/16807bf7b4>

<sup>27</sup> Commissioner for Administration and Human Rights, Independent Authority against Torture (2013), 'Report regarding the visit carried out at the police station of Pera Horio Nisou on 23 July 2013' (*Έκθεση αναφορικά με την επίσκεψη που διενεργήθηκε στα Αστυνομικά Κρατητήρια Πέρα Χωρίου Νήσου στις 23 Ιουλίου 2013*), File No. EMP 2.07, 7 August 2013. Available at [www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/11BBF04B96E35965C2257E7D0031B306/\\$file/%CE%95%CE%9C%CE%A02\\_07\\_07082013.doc?OpenElement](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/11BBF04B96E35965C2257E7D0031B306/$file/%CE%95%CE%9C%CE%A02_07_07082013.doc?OpenElement)

<sup>28</sup> Cyprus, Commissioner for Administration and Human Rights, Independent Authority for the Prevention of Torture (2015), Report regarding the visit carried out at Paphos police detention centres on 3 October 2014, 2 March 2015. Available at [www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/70AE8103C233B667C2257E7B00273C69/\\$file/%CE%95%CE%9C%CE%A02.15-02032015.doc?OpenElement](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/70AE8103C233B667C2257E7B00273C69/$file/%CE%95%CE%9C%CE%A02.15-02032015.doc?OpenElement)



exercise for all detainees without exception for at least an hour every day, suggesting that the outdoor areas of the detention centre be utilised, with a suitable fencing.<sup>29</sup>

In 2017 the National Mechanism carried out a visit at a police detention centre where a detainee had committed suicide in 2016. This particular detention centre has a capacity for two persons in two cells and, according to instructions from the Chief of Police, it should only be used for detaining suspects for a period not exceeding 48 hours, because there is no outdoors exercise space. An inspection of the records revealed that suspects were detained for four till eight days; that sometimes criminal suspects were detained in the same wing as persons awaiting deportation; and that men were detained in the same wing as women.<sup>30</sup>

### **c) Legal regulation of time spent in cells**

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 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>31</sup>

### **d) Different standards for different detention regimes**

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>32</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>33</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.

### **e) National Preventive Mechanism**

Links to reports of the National Prevention Mechanism:

<sup>29</sup> Cyprus, Commissioner for Administration and human rights, Independent Authority for the Prevention of Torture (2015), Report regarding the visit conducted at Lakatamia police detention centre on 31/07/2015 (Έκθεση αναφορικά με την επίσκεψη που διενεργήθηκε στα αστυνομικά κρατητήρια Λακατάμειας στις 31/07/015), Ref. EMP 2.06, 28 December 2015. Available at

[http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/6D7A8B56F0F26962C2257F3F002856A3/\\$file/%CE%95%CE%9C%CE%A02\\_06\\_28122015.doc?OpenElement](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/6D7A8B56F0F26962C2257F3F002856A3/$file/%CE%95%CE%9C%CE%A02_06_28122015.doc?OpenElement)

<sup>30</sup> National mechanism for the prevention of torture (2018), Report concerning the visit at the Oroklini police detention centre on 30 November 2017, 3 April 2018, Ref. EMP 2.17, available at

[www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/2617F333BB40C9C6C225826C0030CDE4/\\$file/%CE%95%CE%9C%CE%A0%202.17\\_03042018.pdf?OpenElement](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/2617F333BB40C9C6C225826C0030CDE4/$file/%CE%95%CE%9C%CE%A0%202.17_03042018.pdf?OpenElement)

<sup>31</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. Available at <https://rm.coe.int/16807bf7b4>

<sup>32</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. Available at [www.cylaw.org/KDP/data/1997\\_1\\_121.pdf](http://www.cylaw.org/KDP/data/1997_1_121.pdf)

<sup>33</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. Available at [www.cylaw.org/KDP/data/1997\\_1\\_121.pdf](http://www.cylaw.org/KDP/data/1997_1_121.pdf)

[www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/6D7A8B56F0F26962C2257F3F002856A3/\\$file/%CE%95%CE%9C%CE%A02\\_06\\_28122015.doc?OpenElement](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/6D7A8B56F0F26962C2257F3F002856A3/$file/%CE%95%CE%9C%CE%A02_06_28122015.doc?OpenElement)

[www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/11BBF04B96E35965C2257E7D0031B306/\\$file/%CE%95%CE%9C%CE%A02\\_07\\_07082013.doc?OpenElement](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/11BBF04B96E35965C2257E7D0031B306/$file/%CE%95%CE%9C%CE%A02_07_07082013.doc?OpenElement)

[www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/70AE8103C233B667C2257E7B00273C69/\\$file/%CE%95%CE%9C%CE%A02.15-02032015.doc?OpenElement](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/70AE8103C233B667C2257E7B00273C69/$file/%CE%95%CE%9C%CE%A02.15-02032015.doc?OpenElement)

Quotes from reports of the National Prevention Mechanism, with recommendations:

Quote 1:

*Ως εκ τούτου, κρίνω σκόπιμο να επαναλάβω τις εισηγήσεις που έχω ήδη υποβάλει με τις προηγούμενες Εκθέσεις μου όσον αφορά την βελτίωση των συνθηκών κράτησης και της μεταχείρισης των κρατουμένων, οι οποίες συνοψίζονται στα εξής σημεία:*

- ...
- *άμεση λήψη μέτρων για την **εξασφάλιση εξωτερικού χώρου άσκησης**, όπου όλοι οι κρατούμενοι, χωρίς καμία εξαίρεση, να ασκούνται για μία ώρα τουλάχιστον ημερησίως. Για το σκοπό αυτό, μπορεί να αξιοποιηθεί ο περιβάλλον εξωτερικός χώρος των Κρατητηρίων με την κατάλληλη περίφραξη. Σε κάθε περίπτωση, θα πρέπει να εξασφαλιστεί άμεσα η έξοδος όλων των κρατουμένων, ανεξαρτήτως της δικαιολογητικής βάσης της κράτησης τους, εκτός της πτέρυγας τους στον υπάρχοντα χώρο για τουλάχιστον μια ώρα ημερησίως.<sup>34</sup>*

[No official translation is available].

Quote 2:

*Περαιτέρω, εισηγούμαι όπως καταβληθούν προσπάθειες για τον **εξοπλισμό του χώρου με μέσα ψυχαγωγίας** όπως ραδιόφωνο, τηλεόραση, περιοδικά, βιβλία και άλλα, με δεδομένο ότι γίνεται ο απαραίτητος διαχωρισμός των κρατουμένων υπό απέλαση από τους ποινικούς κρατούμενους.<sup>35</sup>*

[No official translation is available].

Quote 3:

*Κατά την επίσκεψη, διαπιστώθηκε ότι στο χώρο των κρατητηρίων υπάρχει εσωτερική αυλή με φυσικό φωτισμό και εξαιρισμό. Παρόλα αυτά, από τις συνεντεύξεις των κρατουμένων δεν διαφάνηκε να υπάρχει συγκεκριμένο καθημερινό πρόγραμμα των κρατουμένων, με την έννοια ενός σταθερού και*

<sup>34</sup> Cyprus, Commissioner for Administration and human rights, Independent Authority for the Prevention of Torture (2015), Report regarding the visit conducted at Lakatamia police detention centre on 31/07/2015 (Έκθεση αναφορικά με την επίσκεψη που διενεργήθηκε στα αστυνομικά κρατητήρια Λακατάμειας στις 31/07/015), Ref. EMP 2.06, 28 December 2015. Available at

[www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/6D7A8B56F0F26962C2257F3F002856A3/\\$file/%CE%95%CE%9C%CE%A02\\_06\\_28122015.doc?OpenElement](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/6D7A8B56F0F26962C2257F3F002856A3/$file/%CE%95%CE%9C%CE%A02_06_28122015.doc?OpenElement)

<sup>35</sup> Commissioner for Administration and Human Rights, Independent Authority against Torture (2013), 'Report regarding the visit carried out at the police station of Pera Horio Nisou on 23 July 2013' (Έκθεση αναφορικά με την επίσκεψη που διενεργήθηκε στα Αστυνομικά Κρατητήρια Πέρα Χωρίου Νήσου στις 23 Ιουλίου 2013), File No. EMP 2.07, 7 August 2013, available at

[www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/11BBF04B96E35965C2257E7D0031B306/\\$file/%CE%95%CE%9C%CE%A02\\_07\\_07082013.doc?OpenElement](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/11BBF04B96E35965C2257E7D0031B306/$file/%CE%95%CE%9C%CE%A02_07_07082013.doc?OpenElement)

καθημερινού ωραρίου που να εξασφαλίζει το δικαίωμα κάθε κρατούμενου για τουλάχιστον μια ώρα άσκηση σε εξωτερικό χώρο καθημερινά<sup>36</sup>.

Πέραν τούτου, στο χώρο κράτησης δεν υπάρχει καμία δυνατότητα παρατήρησης του χρόνου με οποιοδήποτε τρόπο, καθώς δεν υπάρχει κανένα ρολόι είτε εντός των πτερύγων είτε στον ευρύτερο χώρο κράτησης. Η έλλειψη αυτή σε συνδυασμό με το περιορισμένο φυσικό φως και την έλλειψη μιας καθημερινής ρουτίνας δημιουργεί έντονα αισθήματα αποπροσανατολισμού στους κρατούμενους, που αναπόφευκτα επηρεάζουν την ψυχική τους υγεία.

**Ως εκ τούτου, εισηγούμαι όπως ο Υπεύθυνος του χώρου προχωρήσει στον καταρτισμό ενός προγράμματος που να οργανώνει τον χρόνο των κρατουμένων με τρόπο που να επιτρέπει την παραμονή τους σε εξωτερικό χώρο κατά τη διάρκεια προκαθορισμένων ωρών καθώς και στην τοποθέτηση μιας συσκευής ρολογιού σε κοινή θέα.**<sup>37</sup>

[No official translation is available].

#### 4. Solitary confinement

- a) What is the national standard set regarding solitary confinement? Is it regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?
- b) Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).
- c) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

**Please cite any relevant sources**

##### a) National standard for solitary confinement

The prison director may order the restriction or isolation of a prisoner for any period deemed necessary for the purpose of maintaining discipline and order, for protecting the interests of himself or herself or those of other detainees, for restricting or isolating violent or unruly detainees whose conduct is disorderly and threatening to other detainees, or for reasons of discipline. This measure can be imposed only on those prisoners whose health record does not show any serious mental or physical illness which will deteriorate in the event of isolation. Confinement may take place either at the prisoner's own cell or in a special cell or a special protection room. Confinement in one's own cell for reasons of prevention and not discipline is permitted upon orders from any of the prison officers and subsequent covering permit from their superiors. Confinement may last only 120 hours, however extensions may be issued subject to the director's written permission. Confinement in a special room is permitted only upon written recommendation from a medical officer and written authorisation from the prison director. Whilst in solitary confinement, detainees may leave their cell for half an hour in the morning and half

<sup>36</sup> CPT Standards, CPT/Inf/E (2002) 1 - Rev. 2010, p. 13, 16, 40, 54, 59, 76.

<sup>37</sup> Cyprus, Commissioner for Administration and Human Rights, Independent Authority for the Prevention of Torture (2015), Report regarding the visit carried out at Paphos police detention centres on 3 October 2014, 2 March 2015. Available at [www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/70AE8103C233B667C2257E7B00273C69/\\$file/%CE%95%CE%9C%CE%A02.15-02032015.doc?OpenElement](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/70AE8103C233B667C2257E7B00273C69/$file/%CE%95%CE%9C%CE%A02.15-02032015.doc?OpenElement)

an hour in the evening.<sup>38</sup> A prisoner who suffers from a contagious or infectious illness may also be confined, following orders from a medical officer.<sup>39</sup>

A detainee who is about to be charged with a disciplinary offence may be restricted to his personal cell or to a special cell depending on the case and the severity of the offence until the completion of the investigation. The period of restriction must not exceed four days unless the Prison Director approves an extension for two more days.<sup>40</sup>

At the time of writing, a bill was debated in parliament purporting to amend the prison regulations as regards solitary confinement in order to comply with the findings of the ECtHR in the case of *Onoufriou v. Cyprus*.<sup>41</sup> The issues under consideration are the procedural guarantees and safeguards for inmates placed in solitary confinement including the right of better access to sanitary facilities, outdoor exercise and regular meals, a maximum length of solitary confinement of 14 days, due process (information in writing on reasons and duration, daily medical staff visits, etc.), restrictions on visits, contact with the outside world and monitoring of correspondence of persons held in solitary confinement, including unrestricted correspondence with the Attorney General, the Commissioner for Administration and Human Rights, the Prisons' Board, the Prisoner's Council, the CPT and the ECtHR.

In practice, prison authorities do not impose a prohibition on contact with the outside world in cases of disciplinary punishment. Resort to solitary confinement as a formal disciplinary punishment is infrequent and the maximum periods foreseen in the Prison Regulations are not imposed.<sup>42</sup> However, a type of solitary confinement known as the "investigative lock-up" appears to be practised routinely as an immediate response to an alleged or suspected breach of discipline, sanctioned by the Prison Regulations.<sup>43</sup> This involves the confinement of a prisoner in a cell for up to six days (four immediate days plus two additional days for investigation) in order to provide an opportunity for the alleged offence to be investigated fully and for charges to be pressed. The CPT was critical of this practice, pointing out that the confinement of prisoners on mere suspicion, prior to a formal charge being brought and before the prisoner is given the opportunity to be heard, should not last longer than a few hours. The CPT's investigation revealed that investigative lock-ups were approved by the director (or her deputy) *ex post facto* and invariably lasted for the full six days foreseen in the Prison Regulations, without being given the opportunity to see the Prison Director during this time.<sup>44</sup>

The CPT described the prison's disciplinary system remained as problematic because of the lack of recording of the use of isolation, as well as due to the frequent resort to immediate "investigatory lock-up" without procedural safeguards. Generally, the recording procedures and registers were found by the CPT to be under-developed, contributing to insufficient oversight by management.<sup>45</sup> The CPT expressed concern about the lack

<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, articles 151-152. Available at [www.cylaw.org/KDP/data/1997\\_1\\_121.pdf](http://www.cylaw.org/KDP/data/1997_1_121.pdf)

<sup>39</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 75. Available at [www.cylaw.org/KDP/data/1997\\_1\\_121.pdf](http://www.cylaw.org/KDP/data/1997_1_121.pdf)

<sup>40</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 155. Available at [www.cylaw.org/KDP/data/1997\\_1\\_121.pdf](http://www.cylaw.org/KDP/data/1997_1_121.pdf)

<sup>41</sup> ECtHR, *Onoufriou v Cyprus*, Case No. 24407/04, 7 January 2010.

<sup>42</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. Available at <https://rm.coe.int/16807bf7b4>

<sup>43</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 155. Available at [www.cylaw.org/KDP/data/1997\\_1\\_121.pdf](http://www.cylaw.org/KDP/data/1997_1_121.pdf)

<sup>44</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. Available at <https://rm.coe.int/16807bf7b4>

<sup>45</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. Available at <https://rm.coe.int/16807bf7b4>

of procedural safeguards of the disciplinary process, including the long delays between the alleged commission of an offence and the formal adjudication process, which often takes months. The CPT also flagged the power of the prison director to remove remission from prisoners as a sanction for disciplinary offences, which is apparently not addressed in the reforms currently under way. It is noted that loss of remission is widely practiced, with as many as 127 occasions imposed between October 2014 and February 2017.<sup>46</sup>

A wider issue facing foreign inmates, who account for around 40% of prison population, is the fact that they are not provided with written information about their rights and the internal prison rules in a language they understand. With little regular access to interpretation services, this means that many are totally unaware of their rights and obligations within the establishment.<sup>47</sup>

#### *Police detention centres*

Solitary confinement is not sanctioned by any legislation or police regulation and no police station has the needed infrastructure for it.<sup>48</sup> During an on-site investigation at the Paphos police detention centre in 2014, the National Preventive Mechanism established that detainees were kept under conditions of informal solitary confinement for 2-3 days, during which they were denied access to the courtyard, they were not allowed to leave their cells and were not offered any explanation by the police officers in charge.<sup>49</sup>

#### **b) Different detention regimes**

Prisoners in the Open Prison may be transferred to the Closed Prison pending investigation of an alleged misconduct.<sup>50</sup> Whilst in the Closed Prison, the same rules on solitary confinement apply, including the possibility of the “investigative lock-up”, as explained under a) above.

#### **c) National Preventive Mechanism’s reports**

The National Preventive Mechanism has not published any reports dealing with solitary confinement in the Central Prison in recent years, its last report dating back to 2012.<sup>51</sup> However it has flagged the use of solitary confinement in police detention centres, recommending that this be used only exceptionally and not as a form of punishment.<sup>52</sup>

<sup>46</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. Available at <https://rm.coe.int/16807bf7b4>

<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. Available at <https://rm.coe.int/16807bf7b4>

<sup>48</sup> Letter from the police to the FRANET contractor, 24 May 2018.

<sup>49</sup> Cyprus, Commissioner for Administration and Human Rights, Independent Authority for the Prevention of Torture (2015), Report regarding the visit carried out at Paphos police detention centres on 3 October 2014, 2 March 2015. Available at [www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/70AE8103C233B667C2257E7B00273C69/\\$file/%CE%95%CE%9C%CE%A02.15-02032015.doc?OpenElement](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/70AE8103C233B667C2257E7B00273C69/$file/%CE%95%CE%9C%CE%A02.15-02032015.doc?OpenElement)

<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, article 66. Available at [www.cylaw.org/KDP/data/1997\\_1\\_121.pdf](http://www.cylaw.org/KDP/data/1997_1_121.pdf)

<sup>51</sup> Cyprus, Independent Authority for the prevention of Torture (2013), *Report regarding the visit carried out to the Central Prison from 7 June till 11 June 2012*, File No. EMP 1.01 1 February 2013, available at [www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/EEE3BC8472D22505C2257E7D00417CB9/\\$file/%CE%95%CE%9A%CE%98%CE%95%CE%A3%CE%97\\_%CE%95%CE%A0%CE%99%CE%A3%CE%9A%CE%95%CE%A8%CE%97\\_7\\_11\\_6\\_2012.doc?OpenElement](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/EEE3BC8472D22505C2257E7D00417CB9/$file/%CE%95%CE%9A%CE%98%CE%95%CE%A3%CE%97_%CE%95%CE%A0%CE%99%CE%A3%CE%9A%CE%95%CE%A8%CE%97_7_11_6_2012.doc?OpenElement)

<sup>52</sup> Cyprus, Commissioner for Administration and Human Rights, Independent Authority for the Prevention of Torture (2015), *Report regarding the visit carried out at Paphos police detention centre on 3 October 2014*, 2 March 2015. Available at [www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/70AE8103C233B667C2257E7B00273C69/\\$file/%CE%95%CE%9C%CE%A02.15-02032015.doc?OpenElement](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/70AE8103C233B667C2257E7B00273C69/$file/%CE%95%CE%9C%CE%A02.15-02032015.doc?OpenElement)



Link to the report of the National Preventive Mechanism on its visit to the Paphos police detention centre:

[www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/70AE8103C233B667C2257E7B00273C69/\\$file/%CE%95%CE%9C%CE%A02.15-02032015.doc?OpenElement](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/70AE8103C233B667C2257E7B00273C69/$file/%CE%95%CE%9C%CE%A02.15-02032015.doc?OpenElement)

Quote from the aforesaid report:

*Περαιτέρω, κατά τις συνεντεύξεις με κρατούμενους τέθηκαν υπόψη μου περιπτώσεις άτυπης απομόνωσης των κρατουμένων εντός των κελιών τους, για διάστημα περίπου 2-3 ημερών, χωρίς πρόσβαση στο χώρο προαυλισμού. Συγκεκριμένα, αρκετοί κρατούμενοι επιβεβαίωσαν τους ισχυρισμούς τριών κρατουμένων ότι δεν τους είχε εξασφαλισθεί καμία πρόσβαση στο χώρο προαυλισμού και δεν είχαν εξέλθει από το κελί τους για διάστημα 2-3 ημερών, χωρίς να τους δοθεί καμία εξήγηση από το προσωπικό του χώρου.*

*Η πρακτική αυτή είναι απαράδεκτη, καθώς δεν συνάδει τόσο με τον σχετικό Νόμο όσο και με τα διεθνή πρότυπα. Ειδικότερα, προβλέπεται ότι οι κρατούμενοι, ακόμα και σε καθεστώς απομόνωσης, θα πρέπει να εξέρχονται από το κελί τους για τουλάχιστον μια ώρα σε εξωτερικό χώρο άσκησης. **Ως εκ τούτου, εισηγούμαι όπως η αρμόδια αρχή απέχει από τέτοιες ενέργειες στο μέλλον και όπως εξασφαλίζει, σε κάθε περίπτωση, τουλάχιστον μια ώρα άσκηση σε εξωτερικό χώρο σε κάθε κρατούμενο.***

*Επιπλέον, οποιαδήποτε επιβολή του μέτρου της απομόνωσης θα πρέπει να εφαρμόζεται κατ' εξαίρεση, μόνο όταν είναι απολύτως αναγκαία και αναλογική, να αποφασίζεται από τον Υπεύθυνο του χώρου και να καταγράφεται η διάρκεια και οι λόγοι που την επέβαλαν στον φάκελο του κρατουμένου και στο ημερολόγιο των Κρατητηρίων. **Θα πρέπει να καταστεί σαφές ότι η επιβολή της απομόνωσης ως μια άτυπη μορφή τιμωρίας δεν επιτρέπεται σε καμία περίπτωση.**<sup>53</sup>*

[Official translation is not available]

## 5. Access to healthcare

- a) What is the national standard with regard to access to medical services in prisons? (E.g. do prisoners have prompt access to medical services within prisons or externally? Do prisoners have access to dentists and opticians?)
- b) Are there any special provisions relating to the provision of specialist care? (E.g. for long-term diseases, for sick and elderly prisoners, the mentally ill, drug addicted prisoners etc.)
- c) Is access to healthcare in prisons regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?
- d) Please indicate whether there are different standards applicable to different detention regimes.
- e) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

**Please cite any relevant sources**

<sup>53</sup> Cyprus, Commissioner for Administration and Human Rights, Independent Authority for the Prevention of Torture (2015), *Report regarding the visit carried out at Paphos police detention centre on 3 October 2014*, 2 March 2015. Available at [www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/70AE8103C233B667C2257E7B00273C69/\\$file/%CE%95%CE%9C%CE%A02.15-02032015.doc?OpenElement](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/70AE8103C233B667C2257E7B00273C69/$file/%CE%95%CE%9C%CE%A02.15-02032015.doc?OpenElement)



## a) National standard on medical services in the Central Prison

### i. Central Prison

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; ensuring the adequacy and suitability of the medical equipment and the pharmaceutical supplies; monitoring the quality of nutrition, the hygiene tools and all sanitary facilities; ensuring the vaccination of staff members and detainees in order to prevent the spreading of contagious diseases. Doctors of other specialisations visit as and when needed. A team of nurses is always on duty, comprising either state nurses seconded to the central prison or suitably trained prison staff. The medical officer maintains a diary of all examinations performed, recording dates, names of detainees examined, the diagnosis, the treatment and any referrals deemed necessary.

In its 2017 visit, the CPT found that health care conditions had improved in comparison with its previous visit in 2013, including the system of provision of psychiatric and psycho-social health care. It noted that a nascent suicide prevention strategy was developed following a serious of inmates' suicides in recent years. At the time of the CPT visit in 2017, there were two general practitioners employed on a full-time basis, two psychiatrists, three full-time psychologists, one part-time occupational therapist, seven nurses (one senior nurse and six nurses) working in shifts to ensure a 24/7 service. A dermatologist visits the prison once a month and a dentist twice per week. A public sector nurse visits once per month to carry out Mantoux tests for tuberculosis. Ten prison officers are trained in first aid as medical orderlies, administering medication and accompanying the doctors on their rounds. The practice of dispensing prescribed medication by prison officers attracted criticism from CPT who recommended that the prison officers be replaced with qualified nursing staff. There are two full-time psychiatrists present in the prison from 7 a.m. until 3 p.m. on weekdays, supported by three registered mental health nurses, three psychologists and two occupational therapists.<sup>54</sup>

#### *Medical screening*

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 CPT was critical of the fact that that the doctors in charge of recording of physical injuries upon admission or following a violent incident had been explicitly told by prison officers that they should not include a forensic report within the medical notes of a prisoners and should keep their medical annotations brief.<sup>55</sup>

#### *Confidentiality of medical records*

The CPT investigation concluded that medical examinations took place out of the hearing and out of the sight of custodial staff, but often within the presence of the medical orderlies, unless the inmates expressly requested otherwise. However, prison officers who worked in the health-care centre have ready access to prisoner's medical files, in breach of the principle of confidentiality of prisoners' medical records.<sup>56</sup>

<sup>54</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. Available at <https://rm.coe.int/16807bf7b4>

<sup>55</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. Available at <https://rm.coe.int/16807bf7b4>

<sup>56</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. Available at <https://rm.coe.int/16807bf7b4>

ii. *Police stations*

Detainees in police detention centres 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. 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 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.<sup>57</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>58</sup>

The findings of the CPT visit in 2017 suggest that detainees had a fairly easy access to a doctor for urgent medical treatment, usually at an outside hospital. However, this was not the case with all police stations visited; at the central police stations of Limassol and the Paphos detained persons were not able to access a doctor despite their requests and injuries were not adequately recorded at least in one case.<sup>59</sup>

An inspection carried out by the National Mechanism in a police detention centre revealed that medical examinations of detainees were not properly recorded. In particular, the report noted that the only document on record was a form with the date of the examination and the doctor's signature, without reference to the type of examination carried out, the diagnosis or the doctor's recommendations for further treatment, adding that the same phenomenon was also located in other police detention centres.<sup>60</sup>

**b) Specialist care**

A psychiatrist and a dentist visit the central prison once or more times a week. 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>61</sup>

*The mental health unit*

Block 10 is a recently established mental health unit within the Central Prison which provides ten single cells for the accommodation of those prisoners who require psychiatric treatment that is not severe enough to require hospitalisation. Six registered mental health nurses work in Block 10.

The CPT found that the current team is sufficiently resourced to carry out its tasks. All newly-arrived prisoners are systematically examined by a member of the mental health team to ensure the timely identification of those suffering from drug misuse. An interpretation service is now available for inmates unable to communicate with the health practitioners in Greek or English. However, the CPT expressed concern over the fact that the treatment available for persons with mental health disorders and those suffering from substance abuse was over-reliant on pharmacotherapy without resort to non-pharmacological individualised treatment.

Although cells in Block 10 measured about 7.5m<sup>2</sup> they had poor access to natural light and insufficient artificial lighting, blankets but no sheets due to the risk of suicide or self-harm. Time out cell and purposeful activities were described by CTP as 'limited', leading the CPT to conclude that the material conditions were 'austere' and

'impoverished' to the extent that cannot be seen as providing the right therapeutic environment for mental health patients.<sup>62</sup>

### c) Legal regulation of access to healthcare

The procedural side of access to health care for prisoners in the Central Prison is regulated by the Prison Regulations.<sup>63</sup>

Access to health care for detainees in police detention centres is regulated by the law on the rights of persons in police detention.<sup>64</sup>

### d) Different regimes

Rules regarding access to health care were the same for all prisoners irrespective of their detention regime.

### e) National Preventive Mechanism's reports

Link to report of the National Preventive Mechanism with recommendations on health care in police detention centres:

[www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/70AE8103C233B667C2257E7B00273C69/\\$file/%CE%95%CE%9C%CE%A02.15-02032015.doc?OpenElement](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/70AE8103C233B667C2257E7B00273C69/$file/%CE%95%CE%9C%CE%A02.15-02032015.doc?OpenElement)

Quote from the above mentioned report:

*Κρίνω σκόπιμο, επίσης, να σημειώσω ότι από την επιθεώρηση των φακέλων των κρατουμένων προκύπτει ότι υπάρχει ελλιπής αναφορά στο σχετικό έντυπο μετά την εξέταση κρατουμένων από ιατρό. Συγκεκριμένα, σε αρκετές περιπτώσεις, η συμπλήρωση του σχετικού εντύπου περιορίζεται στην αναγραφή της ημερομηνίας και στην υπογραφή του ιατρού, χωρίς να γίνεται οποιαδήποτε αναφορά στις ιατρικές εξετάσεις που έγιναν, στο πόρισμα της εξέτασης και σε, τυχόν, οδηγίες του ιατρού για περαιτέρω αγωγή του κρατούμενου. Το ίδιο φαινόμενο έχει παρατηρηθεί και σε άλλους χώρους κράτησης που έχω επισκεφθεί.*

<sup>57</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. Available at [www.cylaw.org/nomoi/enop/non-ind/2005\\_1\\_163/full.html](http://www.cylaw.org/nomoi/enop/non-ind/2005_1_163/full.html)

<sup>58</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. Available at [www.cylaw.org/nomoi/enop/non-ind/2005\\_1\\_163/full.html](http://www.cylaw.org/nomoi/enop/non-ind/2005_1_163/full.html)

<sup>59</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. Available at <https://rm.coe.int/16807bf7b4>

<sup>60</sup> Cyprus, Commissioner for Administration and Human Rights, Independent Authority for the Prevention of Torture (2015), Report regarding the visit carried out at Paphos police detention centres on 3 October 2014, 2 March 2015. Available at [www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/70AE8103C233B667C2257E7B00273C69/\\$file/%CE%95%CE%9C%CE%A02.15-02032015.doc?OpenElement](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/70AE8103C233B667C2257E7B00273C69/$file/%CE%95%CE%9C%CE%A02.15-02032015.doc?OpenElement)

<sup>61</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. Available at [www.cylaw.org/KDP/data/1997\\_1\\_121.pdf](http://www.cylaw.org/KDP/data/1997_1_121.pdf)

<sup>62</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. Available at <https://rm.coe.int/16807bf7b4>

<sup>63</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 62-85. Available at [www.cylaw.org/KDP/data/1997\\_1\\_121.pdf](http://www.cylaw.org/KDP/data/1997_1_121.pdf)

<sup>64</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. Available at [www.cylaw.org/nomoi/enop/non-ind/2005\\_1\\_163/full.html](http://www.cylaw.org/nomoi/enop/non-ind/2005_1_163/full.html)

Το γεγονός αυτό συνιστά σοβαρή παράλειψη εκ μέρους των Ιατρικών Λειτουργιών, καθώς ο κρατούμενος κατά την επίσκεψη του σε Ιατρό είναι πρωτίστως ασθενής και ως εκ τούτου έχει όλα τα δικαιώματα που προβλέπονται από τη σχετική νομοθεσία. Ως εκ τούτου, οι Ιατρικοί Λειτουργοί έχουν υποχρέωση να ενημερώνουν πλήρως τον ασθενή-κρατούμενο για όλα τα δεδομένα της υγείας του καθώς και να συμπληρώνουν το σχετικό έντυπο στον φάκελο του κρατούμενου, με τρόπο που κατ' αρχήν να μπορεί να τύχει αξιολόγησης και ελέγχου αλλά και να καθοδηγεί το προσωπικό του χώρου για τυχόν ενέργειες που θα πρέπει να γίνουν. Επίσης, είναι εξαιρετικά σημαντική η πλήρης καταγραφή των ιατρικών εξετάσεων και του πορίσματος του Ιατρικού Λειτουργού όταν ο κρατούμενος προβάλλει ισχυρισμούς για κακοποίηση του από μέλη της Αστυνομίας ή συγκατούμενους του, δεδομένου ότι η Ιατρική Έκθεση αποτελεί συχνά το σημαντικότερο μέσο απόδειξης των ισχυρισμών αυτών. **Προς την κατεύθυνση αυτή, κρίνω σκόπιμο να κοινοποιήσω και την παρούσα Έκθεση προς τον Υπουργό Υγείας για ενημέρωση του και τυχόν δικές του ενέργειες.**

Περαιτέρω, κρίνω σκόπιμο να σημειώσω ότι η πιστή συμπλήρωση του εντύπου ιατρικής εξέτασης αποτελεί ταυτόχρονα υποχρέωση της αρμόδιας αρχής κράτησης. Ειδικότερα, τα μέλη της Αστυνομίας που συνοδεύουν τους κρατούμενους κατά την επίσκεψη στον Ιατρό θα πρέπει να εξασφαλίζουν την ορθή συμπλήρωση του εντύπου από τον Ιατρικό Λειτουργό μετά το πέρας των ιατρικών εξετάσεων. Κάτι τέτοιο, πέραν του ότι αποτελεί βασική υποχρέωση, προστατεύει τα μέλη της Αστυνομίας από, τυχόν, προβολή ανυπόστατων ισχυρισμών από κρατούμενους όσον αφορά την ιατροφαρμακευτική τους περίθαλψη κατά το διάστημα της κράτησης τους. Επιπλέον, η πλήρης καταγραφή των ιατρικών εξετάσεων και του σχετικού ιατρικού πορίσματος προστατεύει τα μέλη της Αστυνομίας και από, τυχόν, ισχυρισμούς για κακοποίηση των κρατουμένων εντός του χώρου κράτησης. **Ως εκ τούτου, η αρμόδια αρχή κράτησης θα πρέπει να επιδιώκει και να εξασφαλίζει, σε κάθε περίπτωση, την ορθή συμπλήρωση του σχετικού εντύπου από τους Ιατρικούς Λειτουργούς.**<sup>65</sup>

## 6. Special measures in place to protect juvenile prisoners.

- a) Are there any legal instruments, such as a legislative act, internal prison regulations, manuals, policy papers etc. regulating the separation of juvenile prisoners from adults? (e.g. a separate juvenile ward, or part of the building, canteen, common area etc.?)
- b) What age category falls under this specific juvenile prison regime?
- c) Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).
- d) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

**Please cite any relevant sources**

<sup>65</sup> Cyprus, Commissioner for Administration and Human Rights, Independent Authority for the Prevention of Torture (2015), *Report regarding the visit carried out at Paphos police detention centres on 3 October 2014*, 2 March 2015. Available at [www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/70AE8103C233B667C2257E7B00273C69/\\$file/%CE%95%CE%9C%CE%A02.15-02032015.doc?OpenElement](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/70AE8103C233B667C2257E7B00273C69/$file/%CE%95%CE%9C%CE%A02.15-02032015.doc?OpenElement)

#### a) Legal regulation of the separation of juvenile prisoners from adults

##### *The Central Prison*

Juvenile detainees 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 behaviour.<sup>66</sup>

There was no information on the practice in the Central Prison regarding the separation of juvenile prisoners from adults. A visit carried out by officers of the national preventive mechanism in 2012 revealed widespread discontent amongst juvenile detainees due to ill-treatment from prison staff, including incidents of insults, informal punishments without due process and in many cases without the young detainees having committed any offence, as well as isolated incidents of violence.<sup>67</sup>

##### *The police detention centres*

Minors must occupy different cells from the rest of the detainee population and must not meet with adult detainees in commonly used spaces.<sup>68</sup>

Detained minors must be held in specially modified units designed for persons of their age, offering activities adapted to their needs and staffed by specially trained personnel. The unit must be of sufficient size, light and ventilation and must be suitably furnished and decorated so as to offer suitable visual stimuli. Unless there are issues of safety at stake, minors can have a reasonable quantity of personal items in their cells. The detention centre must ensure the healthy occupation of children in collaboration with other services.<sup>69</sup>

There is no information on the practice in the police detention centres regarding the separation of juvenile prisoners from adults. The CPT however recorded complaints of ill-treatment of juvenile detainees by police investigators. The delegation had met with a juvenile detainee at Limassol Police Station who alleged that he had been questioned by CID police officers without the presence of a lawyer. He was subsequently released and re-arrested, upon which he was again interviewed without the presence of a lawyer. He also complained that he had not been given access to a lawyer throughout the entire period of his detention at the police station, despite his repeated requests and he eventually confessed to the charges against him. Three other juveniles interviewed separately by the CPT delegation in different places of detention complained of each having been ill-treated during questioning by CID officers at Limassol Central Police Station. They alleged that during questioning, which was conducted by teams of three officers, they were punched and kicked and that they received blows from a baseball bat or a broomstick to various parts of their body, apparently in order to make them confess to a particular crime. One of them complained having been thrown against a wall. The registers confirmed that none of the juveniles benefited from the assistance of their parents or a lawyer during questioning; further, despite their requests, none of them saw a doctor during the time of their police custody and the injuries of at least one of the juveniles had not been recorded.<sup>70</sup> During a visit of the National Mechanism at a police detention centre, a foreign detainee who claimed he was aged 15 and had come to Cyprus to work, was being detained separately from adults but was not given any reasons for his arrest nor was he informed of his rights in a language understood to him even though leaflets in his mother tongue were available. He was also denied the right to contact a relative or any person to inform them of his arrest. He was detained for 15 days and was subsequently deported, as all administrative decisions were apparently guided by the age on his passport, which showed him to be 18, rather than the best interests principle. The National Mechanism criticised the handling of this incident by the authorities pointing out that only exceptionally should minors be detained in police detention centres and even so their detention should not exceed 24 hours, whilst an action plan must in the meantime be compiled to ensure their access to asylum, if appropriate, and detention conditions appropriate for their age.<sup>71</sup>

## b) Age categories

For detainees at the Central Prison, the age under which they must, where possible, be separated from adults is 21. However detainees aged 18+ may be moved out of the juveniles' section if they are deemed unsuitable for residence with juveniles.<sup>72</sup>

For detainees at police detention centres the age under which they must be separated from adults is 18.<sup>73</sup>

## c) Standards at different detention regimes

Juvenile prisoners at the Central Prison may be separated from adult prisoners provided the infrastructure permits it and the Allocation Committee does not decide otherwise. This applies to all types of detention regimes within the same establishment.

## d) National Preventive Mechanism's reports

Link to the National Preventive Mechanism's report covering the detention conditions of juveniles at a police detention centre:

[www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/70AE8103C233B667C2257E7B00273C69/\\$file/%CE%95%CE%9C%CE%A02.15-02032015.doc?OpenElement](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/70AE8103C233B667C2257E7B00273C69/$file/%CE%95%CE%9C%CE%A02.15-02032015.doc?OpenElement)

Quote from the above mentioned report:

*Παρόλο που ο συγκεκριμένος κρατούμενος κρίθηκε τελικά ότι δεν ήταν ανήλικος, με προβληματίζει ιδιαίτερα το γεγονός ότι κρατήθηκε για διάστημα 15 ημερών εντός των Αστυνομικών Κρατητηρίων παρόλο που θα μπορούσε να είχε μεταφερθεί στο Κέντρο Κράτησης Μεταναστών, ενώ κατά τη διάρκεια της κράτησης του δεν εξασφαλίστηκαν βασικά δικαιώματά του.*

<sup>66</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(1). Available at [www.cylaw.org/KDP/data/1997\\_1\\_121.pdf](http://www.cylaw.org/KDP/data/1997_1_121.pdf)

<sup>67</sup> Commissioner for Administration and Human Rights, Independent Authority against Torture (2013), *Report on the visit carried out in the Central Prison 7-11 June 2012*, Ref. EMP 1.01, 1 February 2013, available at [www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/EEE3BC8472D22505C2257E7D00417CB9/\\$file/%CE%95%CE%9A%CE%98%CE%95%CE%A3%CE%97\\_%CE%95%CE%A0%CE%99%CE%A3%CE%9A%CE%95%CE%A8%CE%97\\_7\\_11\\_6\\_2012.doc?OpenElement](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/EEE3BC8472D22505C2257E7D00417CB9/$file/%CE%95%CE%9A%CE%98%CE%95%CE%A3%CE%97_%CE%95%CE%A0%CE%99%CE%A3%CE%9A%CE%95%CE%A8%CE%97_7_11_6_2012.doc?OpenElement)

<sup>68</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 20(a), available at [www.cylaw.org/nomoi/enop/non-ind/2005\\_1\\_163/full.html](http://www.cylaw.org/nomoi/enop/non-ind/2005_1_163/full.html); Police Regulation 5/3 'Handling and rights of detainees' (not available on line).

<sup>69</sup> Letter from the police to the FRANET contractor, 24 May 2018.

<sup>70</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. Available at <https://rm.coe.int/16807bf7b4>

<sup>71</sup> Cyprus, Commissioner for Administration and Human Rights, Independent Authority for the Prevention of Torture (2015), *Report regarding the visit carried out at Paphos police detention centres on 3 October 2014*, 2 March 2015. Available at [www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/70AE8103C233B667C2257E7B00273C69/\\$file/%CE%95%CE%9C%CE%A02.15-02032015.doc?OpenElement](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/70AE8103C233B667C2257E7B00273C69/$file/%CE%95%CE%9C%CE%A02.15-02032015.doc?OpenElement)

<sup>72</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(1). Available at [www.cylaw.org/KDP/data/1997\\_1\\_121.pdf](http://www.cylaw.org/KDP/data/1997_1_121.pdf)

<sup>73</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 20(a), available at [www.cylaw.org/nomoi/enop/non-ind/2005\\_1\\_163/full.html](http://www.cylaw.org/nomoi/enop/non-ind/2005_1_163/full.html); Police Regulation 5/3 'Handling and rights of detainees' (not available on line).



Πέραν τούτου, με προβληματίζει το γεγονός ότι δεν διαφαίνεται να ακολουθήθηκε οποιαδήποτε διαδικασία αξιολόγησης των ισχυρισμών του παραπονούμενου σε σχέση με την ηλικία του και εν τέλει όλες οι αποφάσεις που λήφθηκαν στηρίχθηκαν στο γεγονός ότι, βάσει του διαβατηρίου που κατείχε, ήταν ενήλικας. Θα πρέπει να σημειώσω ότι, σε αρκετές περιπτώσεις, έχει διαπιστωθεί ότι ανήλικα πρόσωπα εκδίδουν διαβατήρια με ψευδή στοιχεία κυρίως όσον αφορά την ηλικία τους, προκειμένου να είναι σε θέση να ταξιδέψουν χωρίς συνοδεία. Ως εκ τούτου, η αναγραφή της ηλικίας στο διαβατήριο δεν μπορεί να αποτελεί το μοναδικό και αποφασιστικό στοιχείο για τον καθορισμό της ηλικίας και τους περαιτέρω χειρισμούς.

Σε κάθε περίπτωση, θεωρώ ότι το ζήτημα του χειρισμού των ανήλικων και των ασυνόδευτων ανήλικων που τίθενται υπό κράτηση για σκοπούς απέλασης θα πρέπει να απασχολήσει σοβαρά όλες τις αρμόδιες αρχές στη βάση των όσων έχω ήδη θέσει ενώπιόν τους.

**Ειδικότερα, θα πρέπει να καταστεί σαφές ότι η κράτηση ανήλικων εντός Αστυνομικών Κρατητηρίων θα πρέπει να γίνεται μόνο κατ' εξαίρεση και για ελάχιστο χρονικό διάστημα, που δεν πρέπει να ξεπερνά τις 24 ώρες, ενώ θα πρέπει να καθοριστεί ένα πλαίσιο δράσης όλων των συναρμόδιων αρχών που θα εγγυάται τον έγκαιρο εντοπισμό των ανήλικων κρατουμένων, την αποτελεσματική πρόσβαση τους στις διαδικασίες ασύλου και την κράτηση τους, σε περίπτωση που είναι απαραίτητο, υπό συνθήκες που συνάδουν με την ηλικία τους.<sup>74</sup>**

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

- a) Are any special measures in place to protect prisoners against violence, including sexual violence? (E.g. are prisoners supervised by prison staff? Are there emergency call buttons? Do guards receive training in de-escalation? Do prisoners have access to a complaints mechanism?)
- b) Are there any special measures in place to protect LGBTI prisoners, who are particularly vulnerable to violence/sexual violence?
- c) Are these measures regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?
- d) Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).
- e) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English) These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of--designated-npmby-regions-and-countries/>

**Please cite any relevant sources**

### a) Measures to protect prisoners from violence

- i) The Central Prison

*The regulatory framework*

Prison regulations provide for a number of measures to contain violence in prison but foresee no measures to

<sup>74</sup> Cyprus, Commissioner for Administration and Human Rights, Independent Authority for the Prevention of Torture (2015), *Report regarding the visit carried out at Paphos police detention centres on 3 October 2014*, 2 March 2015. Available at [www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/70AE8103C233B667C2257E7B00273C69/\\$file/%CE%95%CE%9C%CE%A02.15-02032015.doc?OpenElement](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/70AE8103C233B667C2257E7B00273C69/$file/%CE%95%CE%9C%CE%A02.15-02032015.doc?OpenElement)

protect prisoners, to prevent or prosecute such violence. In the event of a confrontation amongst detainees or other violent incidents, the 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.<sup>75</sup> Detainees may submit complaints to the prison board, the Ombudsman or the CPT, however 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 practice*

During its 2017 visit, the CPT identified deficiencies in preventing inter-prisoner violence, including in the recording of incidents, and a lack of prompt reaction to incidents. The CPT located a serious problem of staff ill-treatment of prisoners citing a particular case of serious physical abuse and subsequent threats of reprisal, stressing that more staff training and better management oversight are required to ensure investigation and prosecution of the staff members involved. The CPT further identified a lack of a functioning complaints' system and the limited trust that the prisoners held in the internal complaints' system. While there were locked complaints' boxes available, many inmates complained that their complaints were never responded to, or worse, in several cases, were ripped up by prison guards in front of their eyes. The CPT further recorded allegations of inter-prisoner violence including an alleged rape which was not immediately addressed with medical attention and investigation. According to the CPT, the investigation that followed, which led the prison authorities to the conclusion that the allegation was unfounded, was inadequate and methodologically flawed. The CPT also concluded that the monitoring of inter-prisoner violence was underdeveloped and suspected that the actual number of violent incidents considerably exceeded the number recorded. The CPT called on the authorities to adopt measures for inter-prisoner violence prevention including a comprehensive anti-bullying policy, systematic and regular risk-assessments regarding allocation and placement of inmates, training of staff to take proactive measures to identify risk and regular monitoring of CCTV cameras.<sup>76</sup> In March 2014, following a series of suicides of inmates within the Central Prison, the Ombudsman issued a set of guidelines for the prevention of suicides in the prison and in detention centres, setting out a comprehensive strategy of close monitoring, assessment and regular re-assessment of the situation of vulnerable prisoners.<sup>77</sup>

#### *ii) Police detention centres*

##### *The regulatory and policy framework*

Each cell in police detention centres 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 be available in the communal areas used by detainees.<sup>78</sup>

<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, articles 148-149. Available at [www.cylaw.org/KDP/data/1997\\_1\\_121.pdf](http://www.cylaw.org/KDP/data/1997_1_121.pdf)

<sup>76</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. Available at <https://rm.coe.int/16807bf7b4>

<sup>77</sup> Commissioner for Administration and Human Rights (2014), 'Guidelines for the prevention of suicides in prison and in detention centres' (Κατευθυντήριες γραμμές για την πρόληψη των αυτοκτονιών σε φυλακές και χώρους κράτησης), March 2014. Available at

[www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/A6CFE0E424D1A68DC2257E7E00315CD2/\\$file/%CE%9A%CE%B1%CF%84%CE%B5%CF%85%CE%B8%CF%85%CE%BD%CF%84%CE%AE%CF%81%CE%B9%CE%B5%CF%82%20%CE%91%CF%81%CF%87%CE%AD%CF%82%20%CE%B3%CE%B9%CE%B1%20%CF%84%CE%B7%CE%BD%20%CE%A0%CF%81%CF%8C%CE%BB%CE%B7%CF%88%CE%B7%20%CF%84%CF%89%CE%BD%20%CE%91%CF%85%CF%84%CE%BF%CE%BA%CF%84%CE%BF%CE%BD%CE%B9%CF%8E%CE%BD%20%CF%83%CE%B5%20%CF%86%CF%85%CE%BB%CE%B1%CE%BA%CE%AD%CF%82%20%CE%BA%CE%B1%CE%B9%20%CF%87%CF%8E%CF%81%CE%BF%CF%85%CF%82%20%CE%BA%CF%81%CE%AC%CF%84%CE%B7%CF%83%CE%B7%CF%82%20.pdf](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/A6CFE0E424D1A68DC2257E7E00315CD2/$file/%CE%9A%CE%B1%CF%84%CE%B5%CF%85%CE%B8%CF%85%CE%BD%CF%84%CE%AE%CF%81%CE%B9%CE%B5%CF%82%20%CE%91%CF%81%CF%87%CE%AD%CF%82%20%CE%B3%CE%B9%CE%B1%20%CF%84%CE%B7%CE%BD%20%CE%A0%CF%81%CF%8C%CE%BB%CE%B7%CF%88%CE%B7%20%CF%84%CF%89%CE%BD%20%CE%91%CF%85%CF%84%CE%BF%CE%BA%CF%84%CE%BF%CE%BD%CE%B9%CF%8E%CE%BD%20%CF%83%CE%B5%20%CF%86%CF%85%CE%BB%CE%B1%CE%BA%CE%AD%CF%82%20%CE%BA%CE%B1%CE%B9%20%CF%87%CF%8E%CF%81%CE%BF%CF%85%CF%82%20%CE%BA%CF%81%CE%AC%CF%84%CE%B7%CF%83%CE%B7%CF%82%20.pdf)

<sup>78</sup> Letter from the police to the FRANET contractor, 24 May 2018.

Since 2006 an independent authority 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>79</sup>

### *The practice*

During its visit in 2017, the CPT received a number of credible allegations of physical ill-treatment of detained persons (including juveniles) by police officers consisting primarily of slaps, punches and kicks to the head and other parts of the body, tight handcuffing, an allegation of sexual abuse of a woman and allegations of verbal abuse, threats and intimidation, leading the CPT to conclude that 'persons detained by the police - and particularly foreign nationals - still run a risk of being physically and/or psychologically ill-treated, notably at the moment of apprehension, during questioning and in the context of removal operations.'<sup>80</sup>

A detailed examination of custody registers in a number of police stations visited by the CPT revealed that only some 20% of persons detained by the police had actually benefited from access to a lawyer during their stay in police custody. The system of legal aid is not effective in practice, for foreign nationals in particular. According to the CPT, the fact that free legal aid for a person deprived of his/her liberty requires a decision from a court - subject to a 'means and merits' test - before a lawyer can be assigned to the case, has the effect of cancelling the right to legal aid at the outset of deprivation of liberty. Very few detainees apply for legal aid, which is granted in even fewer cases as most detainees and particularly non-nationals are not aware of this right or of how to pursue it and do not have lawyers and interpreters at their disposal to assist them with applying for legal aid.<sup>81</sup>

The CPT's findings highlight the shortcomings of the investigations carried out by the Independent Authority for the Investigation of Allegations and Complaints against the Police (IAIACAP), which the CPT described as ineffective. Between 1 January 2014 and 31 October 2016, the IAIACAP investigated a total of 158 allegations of police ill-treatment. Of the 13 criminal cases identified, the Attorney General decided to initiate criminal proceedings in 12 of them but later decided to drop one of these prosecutions. To date, only in one out of the 11 remaining cases have police officers been convicted and sentenced: one to a year's imprisonment for cruel, inhuman and degrading treatment and punishment; and another to nine months' imprisonment for assault causing grievous bodily harm.<sup>82</sup> This presents the first ever conviction under the UNCAT Ratification Law; the other 10 cases are still pending. 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.

The National Preventive Mechanism has repeatedly referred to violence by police against detainees in police detention centres. Following a widely publicized incident of police officers using violence against a detainee in a police station, the National Preventive Mechanism referred to mentalities within the police force that glorify and perpetuate police violence and recommended the compilation of a long term action plan that will lead to comprehensive and targeted measures for the prevention of police violence.<sup>83</sup>

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<sup>79</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)

<sup>80</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. Available at <https://rm.coe.int/16807bf7b4>

<sup>81</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. Available at <https://rm.coe.int/16807bf7b4>

<sup>83</sup> Independent Authority for the Prevention of Torture (2016), *Public position on incidents of police violence*, Ref. EMPT 2/2016, 7 June 2016, available at

In 2015 the Court concluded that the death of a detainee in police custody was not a suicide and ordered an inquest.<sup>84</sup>

#### **b) Special measures in place to protect LGBTI prisoners**

Following an Equality Body report on the detention of transgender persons,<sup>85</sup> 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.<sup>86</sup> There are no other measures in place to specifically protect LGBTI persons from violence in detention.

The Ombudsman identified and flagged the sexual orientation of detainees as one of the factors that may lead to an increased risk of suicide and proposed a set of measures to prevent prison suicides, covering all high risk cases, including closer monitoring, the prohibition of solitary confinement and the careful selection of the prisoners to share the same cell.<sup>87</sup>

[www.ombudsman.gov.cy/Ombudsman/ombudsman.nsf/All/1F7B97B1064B50A1C2257FE000333B50/\\$file/%CE%95%CE%9C%CE%A0%CE%A42\\_2016\\_07062016.doc?OpenElement](http://www.ombudsman.gov.cy/Ombudsman/ombudsman.nsf/All/1F7B97B1064B50A1C2257FE000333B50/$file/%CE%95%CE%9C%CE%A0%CE%A42_2016_07062016.doc?OpenElement)

<sup>84</sup> Cyprus, District Court of Limassol, Death Inquiry No. 62/11, Re. the death of Lambros Prokopiou formerly of Larnaca (Αναφορικά με το θάνατο Λάμπρου Προκοπίου τέως από τη Λάρνακα), 6 April 2015, available at [www.cylaw.org/cgi-bin/open.pl?file=apofaseised/poin/2015/2220150216.htm&qstring=%F4%E1%20and%20%E4%E9%EA%E1%E9%F9%EC%E1%2A%20and%20%F0%F1%EF%F3%F9%F0%2A%20and%20%F0%EF%F5%20and%20%F3%F5%EB%EB%E1%EC%E2%E1%ED%EF%ED%F4%E1%2A%20and%20%EA%E1%E9%20and%20%F4%E5%EB%EF%F5%2A%20and%20%F5%F0%EF%20and%20%EA%F1%E1%F4%E7%F3%2A](http://www.cylaw.org/cgi-bin/open.pl?file=apofaseised/poin/2015/2220150216.htm&qstring=%F4%E1%20and%20%E4%E9%EA%E1%E9%F9%EC%E1%2A%20and%20%F0%F1%EF%F3%F9%F0%2A%20and%20%F0%EF%F5%20and%20%F3%F5%EB%EB%E1%EC%E2%E1%ED%EF%ED%F4%E1%2A%20and%20%EA%E1%E9%20and%20%F4%E5%EB%EF%F5%2A%20and%20%F5%F0%EF%20and%20%EA%F1%E1%F4%E7%F3%2A)

<sup>85</sup> Cyprus, Anti-discrimination Authority (2013), 'Position of the Anti-discrimination Authority regarding the detention of transsexuals in police detention centres' (Τοποθέτηση Αρχής κατά των Διακρίσεων σχετικά με την κράτηση τρανσέξουαλ σε αστυνομικά κρατητήρια) available at [www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/ED28ED967641FDF9C2257E7D0041CD07/\\$file/%CE%91%CE%9A%CE%A13\\_2013\\_31012013.doc?OpenElement](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/ED28ED967641FDF9C2257E7D0041CD07/$file/%CE%91%CE%9A%CE%A13_2013_31012013.doc?OpenElement)

<sup>86</sup> Letter from the police to the FRANET contractor, 24 May 2018.

<sup>87</sup> Commissioner for Administration and Human Rights (2014), 'Guidelines for the prevention of suicides in prison and in detention centres' (Κατευθυντήριες γραμμές για την πρόληψη των αυτοκτονιών σε φυλακές και χώρους κράτησης), March 2014. Available at [www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/A6CFE0E424D1A68DC2257E7E00315CD2/\\$file/%CE%9A%CE%B1%CF%84%CE%B5%CF%85%CE%B8%CF%85%CE%BD%CF%84%CE%AE%CF%81%CE%B9%CE%B5%CF%82%20%CE%91%CF%81%CF%87%CE%AD%CF%82%20%CE%B3%CE%B9%CE%B1%20%CF%84%CE%B7%CE%BD%20%CE%A0%CF%81%CF%8C%CE%BB%CE%B7%CF%88%CE%B7%20%CF%84%CF%89%CE%BD%20%CE%91%CF%85%CF%84%CE%BF%CE%BA%CF%84%CE%BF%CE%BD%CE%B9%CF%8E%CE%BD%20%CF%83%CE%B5%20%CF%86%CF%85%CE%BB%CE%B1%CE%BA%CE%AD%CF%82%20%CE%BA%CE%B1%CE%B9%20%CF%87%CF%8E%CF%81%CE%BF%CF%85%CF%82%20%CE%BA%CF%81%CE%AC%CF%84%CE%B7%CF%83%CE%B7%CF%82%20.pdf](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/A6CFE0E424D1A68DC2257E7E00315CD2/$file/%CE%9A%CE%B1%CF%84%CE%B5%CF%85%CE%B8%CF%85%CE%BD%CF%84%CE%AE%CF%81%CE%B9%CE%B5%CF%82%20%CE%91%CF%81%CF%87%CE%AD%CF%82%20%CE%B3%CE%B9%CE%B1%20%CF%84%CE%B7%CE%BD%20%CE%A0%CF%81%CF%8C%CE%BB%CE%B7%CF%88%CE%B7%20%CF%84%CF%89%CE%BD%20%CE%91%CF%85%CF%84%CE%BF%CE%BA%CF%84%CE%BF%CE%BD%CE%B9%CF%8E%CE%BD%20%CF%83%CE%B5%20%CF%86%CF%85%CE%BB%CE%B1%CE%BA%CE%AD%CF%82%20%CE%BA%CE%B1%CE%B9%20%CF%87%CF%8E%CF%81%CE%BF%CF%85%CF%82%20%CE%BA%CF%81%CE%AC%CF%84%CE%B7%CF%83%CE%B7%CF%82%20.pdf)

### c) Legal regulation of protection measures

A number of measures aimed at addressing violence against central prison inmates are foreseen in the Prison Regulations.<sup>88</sup> These measures, which are set out under a) above, are not specifically targeting the protection of prisoners but rather the avoidance of escalation of violence and the maintaining of order.

Protection measures in police detention centres are not regulated through a legal document, however a law regulates the operation of an independent authority which examines complaints against police officers.<sup>89</sup>

### d) Different detention regimes

The regulations for addressing violence apply to all detainees irrespective of their detention regime.

### e) National Preventive Mechanism's reports

Links to the National Preventive Mechanism's reports covering the use of violence by police officers against detainees:

[www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/70AE8103C233B667C2257E7B00273C69/\\$file/%CE%95%CE%9C%CE%A0%CE%A2.15-02032015.doc?OpenElement](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/70AE8103C233B667C2257E7B00273C69/$file/%CE%95%CE%9C%CE%A0%CE%A2.15-02032015.doc?OpenElement)

[www.ombudsman.gov.cy/Ombudsman/ombudsman.nsf/All/1F7B97B1064B50A1C2257FE000333B50/\\$file/%CE%95%CE%9C%CE%A0%CE%A42\\_2016\\_07062016.doc?OpenElement](http://www.ombudsman.gov.cy/Ombudsman/ombudsman.nsf/All/1F7B97B1064B50A1C2257FE000333B50/$file/%CE%95%CE%9C%CE%A0%CE%A42_2016_07062016.doc?OpenElement)

Link to Equality Body report on the treatment of LGBTI detainees:

[www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/ED28ED967641FDF9C2257E7D0041CD07/\\$file/%CE%91%CE%9A%CE%A13\\_2013\\_31012013.doc?OpenElement](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/ED28ED967641FDF9C2257E7D0041CD07/$file/%CE%91%CE%9A%CE%A13_2013_31012013.doc?OpenElement)

Quote 1:

*Προς την κατεύθυνση αυτή, έχω την άποψη ότι πρέπει να εντατικοποιηθεί η συνεχής εκπαίδευση των μελών της Αστυνομίας, ιδιαίτερα σε ζητήματα ανθρωπίνων δικαιωμάτων και χειρισμού κρατουμένων αλλά και ειδικότερα στο ζήτημα της διενέργειας σωματικών ερευνών, που φαίνεται να αποτελεί πηγή παραπόνων. Παράλληλα, κάθε ισχυρισμός για κακομεταχείριση θα πρέπει να τυγχάνει ταχείας και ενδεδειγμένης διερεύνησης, ώστε να είναι ξεκάθαρο το μήνυμα μηδενικής ανοχής.<sup>90</sup>*

Quote 2

*Έχω την άποψη ότι η προσεχτική μελέτη του υλικού αυτού μπορεί να οδηγήσει σε στέρεα συμπεράσματα, επί των οποίων να συνταχθεί, να υιοθετηθεί και να εφαρμοστεί ένα μακρόπνοο Σχέδιο Δράσης που θα ενσωματώνει με ολοκληρωμένο και στοχευμένο τρόπο δράσεις και μέτρα πρόληψης, εκπαίδευσης και ελέγχου της αστυνομικής βίας, καθώς και ένα πλαίσιο διερεύνησης και επιβολής πειθαρχιών και ποινικών κυρώσεων.*

*Περαιτέρω, το προτεινόμενο Σχέδιο Δράσης μπορεί πιθανόν να συμπεριλάβει και να επικαιροποιήσει υφιστάμενες δράσεις, οι οποίες εφαρμόζονται αποσπασματικά χωρίς συγκεκριμένη στόχευση όσον αφορά τη μείωση του φαινομένου της αυθαιρέτης και άσκοπης άσκησης αστυνομικής βίας.*

*Το Σχέδιο Δράσης θα θέτει τα ανθρωπίνια δικαιώματα στον πυρήνα των καθηκόντων των Αστυνομικών, προβλέποντας ταυτόχρονα μια σειρά ενεργειών για την εμπέδωση μιας δημοκρατικής κουλτούρας αλλά και μιας κουλτούρας λογοδοσίας και ελέγχου για τυχόν άσκηση βίας έναντι πολιτών.*

Quote 3 (from Equality Body Report)

*Ειδικότερα, η προσέγγιση των ιδιαίτερων αναγκών των διεμφυλικών ατόμων, ενόψει της ευάλωτης τους θέσης, πρέπει να γίνεται με ανθρωπισμό και κοινωνική ευαισθησία και η αστυνομία οφείλει να παρεμποδίζει την άσκηση κάθε μορφής σωματικής, ψυχολογικής ή σεξουαλικής βίας εις βάρος τους. Για το λόγο αυτό, επιβάλλεται η τακτική και αυστηρή επίβλεψη των συνθηκών κράτησης των ατόμων*



αυτών και θα πρέπει να απαγορεύεται ρητώς οποιαδήποτε προσβλητική συμπεριφορά ή ταπεινωτική μεταχείριση εις βάρος τους.<sup>91</sup>

[No official translation is available]

## 8. Responsible authorities

- a) What authority is responsible for the provision of additional information requested under Article 15 of the EAW Framework Decision? *(Please specify whether there a central authority deals with these requests, if yes, please provide contact details, such as the name of the institution, a website, physical and email addresses, and a telephone number. In the absence of a central authority, who deals with those requests?)*
- b) What authority is responsible for monitoring conditions of detention and putting forward recommendations?

**Please cite any relevant sources**

- a) The competent authority for providing information under the law transposing the EAW Framework Decision is the Ministry of Justice and Public Order.<sup>92</sup> The Ministry's International Legal Co-operation Unit is responsible for providing information as regards European arrest warrants.  
The contact person is:  
Mr Andreas Kyriakides  
Ministry of Justice and Public Order  
[www.mjpo.gov.cy](http://www.mjpo.gov.cy)  
125 Athalassas Ave., 1461 Strovolos, Nicosia, Cyprus  
registry@mjpo.gov.cy  
Tel. +357 22 805 928.
- b) Under the law ratifying the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Ombudsman was appointed as national

<sup>88</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 148-149. Available at [www.cylaw.org/KDP/data/1997\\_1\\_121.pdf](http://www.cylaw.org/KDP/data/1997_1_121.pdf)

<sup>89</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)

<sup>90</sup> Cyprus, Commissioner for Administration and Human Rights, Independent Authority for the Prevention of Torture (2015), *Report regarding the visit carried out at Paphos police detention centres on 3 October 2014*, 2 March 2015. Available at [www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/70AE8103C233B667C2257E7B00273C69/\\$file/%CE%95%CE%9C%CE%A02.15-02032015.doc?OpenElement](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/70AE8103C233B667C2257E7B00273C69/$file/%CE%95%CE%9C%CE%A02.15-02032015.doc?OpenElement)

<sup>91</sup> Cyprus, Anti-discrimination Authority (2013), 'Position of the Anti-discrimination Authority regarding the detention of transsexuals in police detention centres' (Τοποθέτηση Αρχής κατά των Διακρίσεων σχετικά με την κράτηση τρανσέξουαλ σε αστυνομικά κρατητήρια) available at [www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/ED28ED967641FDF9C2257E7D0041CD07/\\$file/%CE%91%CE%9A%CE%A13\\_2013\\_31012013.doc?OpenElement](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/ED28ED967641FDF9C2257E7D0041CD07/$file/%CE%91%CE%9A%CE%A13_2013_31012013.doc?OpenElement)

<sup>92</sup> Cyprus, Law on the European Arrest Warrant and the procedures for the surrender of wanted persons between member states of the European Union (Ο περί Ευρωπαϊκού Εντάλματος Σύλληψης και των Διαδικασιών Παράδοσης Εκζητούμενων Μεταξύ των Κρατών Μελών της Ευρωπαϊκής Ένωσης Νόμος) N. 133(I)/2004 as amended, Article 5. Available at [www.cylaw.org/nomoi/enop/non-ind/2004\\_1\\_133/full.html](http://www.cylaw.org/nomoi/enop/non-ind/2004_1_133/full.html)



preventive mechanism with power to visit spaces where persons are deprived of their freedom and issue recommendations.