

*REPORT ON THE
ACTIVITIES OF
THE NATIONAL
PREVENTIVE
MECHANISM
(NPM) OF CYPRUS*

YEARS
2015
2016
2017



**Commissioner for Administration and Protection of Human Rights
(Ombudsman)**

**REPORT ON THE ACTIVITIES OF THE CYPRUS NATIONAL PREVENTIVE
MECHANISM FOR 2015-2016-2017**

Introductory note of the Commissioner for Administration and Protection of Human Rights (Ombudsman)

Preventing incidents of ill-treatment, inhuman or degrading treatment or torture constitutes the institutional pillar of the National Preventive Mechanism (NPM). The NPM aims, inter alia, to minimise incidents of ill-treatment of detainees and to improve the conditions of detention.

This Report summarises the activities of the NPM between 2015 and 2017. It aims to encourage debate on matters regarding the fulfilment of the mission of the NPM, and to demonstrate the commitment of the competent authorities in responding to the recommendations made to them for implementing corrective measures.

The multi-level activities of the NPM carried out between 2015 and 2017 included visits to detention centres, prisons and care homes for the elderly and the disabled, and activities to inform, educate and raise awareness among non-governmental bodies and state stakeholders.

Since its establishment in 2009, the National Preventive Mechanism demonstrates the significant work it has undertaken to strengthen the respect for human dignity in detention. In the light of the experience it has gained, the NPM is ready to address challenges to prevent and safeguard human dignity in a decisive and constructive manner.

Maria Stylianou Lottides

Commissioner for Administration and Protection of Human Rights
(Ombudsman)

LEGAL FRAMEWORK

Cyprus, adopting Laws 235/90, 35(III)/90 and 36(III)/2002, has ratified the United Nations Convention against Torture.

Subsequently, Cyprus ratified the Optional Protocol to the aforementioned Convention by Law 2(III)/2009, which entered into force upon its publication in the Official Gazette of the Republic of Cyprus on 27 March 2009.

The objective of the Optional Protocol is to establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture.

To this end, the Optional Protocol, which Cyprus has acceded to, provides for the following:

(a) The establishment of a ten-member Subcommittee on Prevention of Torture as an international body which shall carry out unrestricted visits to places of deprivation of liberty in state Parties and be provided with all necessary information.

The Subcommittee has also the mandate to advise and assist, when necessary, the national preventive bodies established under the Protocol.

(b) The establishment of a national body on prevention of torture. The body designated by the aforementioned ratifying law to form Cyprus's NPM was the Commissioner for Administration.

The main provisions of the Ratifying Law concerning the Commissioner for Administration are the following:

(1) The Commissioner for Administration is designated as the **national visiting body** as provided for in the Optional Protocol and shall act in accordance with article 3 of the Protocol.

(2) In order to fulfil her role, the Commissioner for Administration has the mandate to **conduct regular and unrestricted visits to places of detention** to monitor compliance with the provisions of the Convention.

(3) During these visits, the Commissioner has the right to have **unrestricted access** to all the premises of any place of detention and is entitled to **interview in private** any person whom she deems appropriate.

(4) The state competent authorities are required to provide the Commissioner with the information set out in the Protocol.

(5) After each visit, the Commissioner draws up a **Report** which sets out her findings and includes, if necessary, recommendations and other advice. Then, each authority in charge of the administration of a place of detention is required to submit a report on the measures taken on the basis of the Commissioner's report or recommendations.

(6) The Commissioner has the mandate to **make recommendations** for the improvement of the legislation in force and to express her views to the House of Representatives during the consideration of relevant Bills.

(7) The Commissioner is required to inform the Attorney General of the Republic of Cyprus and the Independent Authority for the Investigation of Allegations and Complaints against the Police of any cases of allegations from detainees of human rights violations.

(8) The Commissioner shall submit an **Annual Report** to the President of the Republic, which she shall communicate to the Council of Ministers, the House of Representatives and the Attorney General of the Republic, and then publish.

(9) In accordance with the provisions of the Commissioner for Administration Laws, the Commissioner shall have the necessary staff and/or any additional staff of officers with such qualifications and such terms of service as shall be laid down in regulations approved by the Council of Ministers and the House of Representatives.

The responsibilities of the Office of the Commissioner for Administration have greatly expanded since the ratification of the Optional Protocol. Until present, the duties of the Commissioner for Administration included visiting detention centres, obtaining information and submitting Reports in the context of investigating an individual complaint.

Based on her new mandate, the Commissioner is entitled to carry out unrestricted visits to places where people are deprived of their liberty in order to observe and record the general conditions of detention related to ill-treatment and to make recommendations both for the improvement of these conditions and the relevant legislation.

Within her new mandate to act as NPM, the Commissioner is called upon to act proactively on the issue of torture and inhuman or degrading treatment through relevant recommendations by putting in place a mechanism of inspection and open communication with competent authorities.

A. ACTIVITIES OF THE NPM

2 March 2015: Submission of a Report on Pafos Detention Centre

28-30 April 2015: Participation in a two-day Conference in Vienna on “Strengthening NPMs”

22 May 2015: Visit to the private Care Home for the Elderly and the disabled “ARIADNE”

26 June 2015: Press Release issued on the occasion of the International Day against Torture.

31 July 2015: Visit to the Lakatamia Detention Centre

31 August 2015: Visit to the State Care Home of Limassol (Home for People with Disabilities)

31 August 2015: Visit to the “Saint Stylianos” Care Home (Home for the Disabled)

4 September 2015: Meeting with the Chief of Police to discuss the access of NGOs to places of detention

10 September 2015: Meeting of NGO Working Group

30 September 2015: Meeting with the NGO “Future Worlds Center”, on alternative measures to detention during deportation

November 2015: Exchange of correspondence with the SPT to plan their visit in January 2016

B. VISITS TO CARE HOMES FOR THE ELDERLY AND THE DISABLED

The elderly and people with disabilities are particularly vulnerable groups of people with specialised needs, yet the places they welcome these people are rarely subject to thorough inspections and visits by independent bodies.

The issues involving these two groups living in Care Homes are monitored both by the NPM and the Independent Mechanism for the Promotion of the Rights of People with Disabilities. In 2015, a framework of cooperation was established between these two Mechanisms with a view to addressing, to the extent possible and in a more comprehensive and specialised manner, the issues arising in Care Homes for the elderly and the disabled.

Within this framework, three joint visits were conducted to Care Homes for the Elderly and the Disabled. During their visits, the Officers of these two Mechanisms held meetings with the staff of the Care Homes and/or with representatives of Social Welfare Services, inspected relevant documents and individual files and interviewed in private the majority of the people living in these institutions.

In addition to the inspection of material conditions, visits include the inspection of the implementation of previous remarks and recommendations made by the NPM on two significantly important issues.

The first is the hospitality of people with mental disorders, as well as of people with disabilities in general living in Care Homes with older people. As noted in 2012, although the relevant legislation allows people with disabilities under the age of 18 to live in Care Homes, there is strong concern whether this practice is in line with the internationally-recognised rights of people with disabilities. In addition, the intermingling of these people with older people in such environment deprives them of the

opportunity to develop a series of abilities and skills, which they can undoubtedly acquire under specific conditions and circumstances. Unfortunately, the absence of satisfactory structures to provide comprehensive care to people with disabilities or mental disorders leads to the continuation of the above practice, which has extremely adverse consequences on these individuals and their families.

The second issue is the absence of a legal framework providing for the operation of State Care Homes. This legislative gap gives rise to a number of problems, both in the uniform implementation of a policy for the operation of Care Homes and in their inspection by independent bodies.

In the course of 2015, special emphasis was also given on the issue of the admission procedure to Care Homes as this is not regulated by the law. A person's admission to a state or private Care Home is linked to his ability to decide freely and upon acquiring full information about his living conditions, as well as to his fundamental right to freedom and family and private life.

C. VISIT TO THE LAKATAMIA DETENTION CENTRE

The Commissioner for Administration as NPM has the mandate to carry out unrestricted and regular visits to places where people are deprived or likely to be deprived of their liberty. Cyprus, adopting Law 8 (III) of 2011, has also ratified the UN Convention on the Rights of Persons with Disabilities (CRPD) and, in 2012, the Council of Ministers¹ assigned the Commissioner for Administration and Protection of Human Rights the responsibilities of independent mechanism monitoring the implementation of the Convention, which the Commissioner has been exercising ever since as Independent Mechanism for the Promotion, Protection and Monitoring of the implementation of the UN Convention on the Rights of Persons with Disabilities.

¹ Council of Ministers Decision no.73,519 of 9 May 2012.

The visit conducted to the Lakatamia Detention Centre on 31 July 2015 was the fourth visit of the NPM to the said place. However, it was the first visit conducted in collaboration with the Independent Mechanism for the Promotion, Protection and Monitoring of the UN Convention on the Rights of Persons with Disabilities.

Given the fact that the said Detention Centre has two cells which, according to the Police, are suitable for the detention of people with disabilities, it was considered appropriate that the two Mechanisms conduct an on-site joint visit in order to closely examine any issues that may arise.

Therefore, during the said visit, emphasis was given on recording the conditions of detention within these two cells, as well as the conditions of the detention centre in general regarding safeguarding the rights of people with disabilities during detention.

In addition to this, the aim of the said visit was to ascertain whether any improvements in the conditions of detention to safeguard the rights of detainees in relation to the extent to which the NPM recommendations set out in previous Reports² have been implemented.

The Commissioner's main position is that the Lakatamia Detention Centre is incompatible with the basic principles on the treatment of detainees and the international standards that must be met by every place where people are deprived of their liberty.

In particular, the Commissioner noted that the lack of natural ventilation and of an outdoor exercise area make this place completely unsuitable for the detention of people, especially for a long period of time.

² Report File No. NPM 2.06 of 6 December 2011

Therefore, the Commissioner repeated her recommendations on the improvement of the conditions of detention and treatment of detainees which are summarised in the following points:

- measures should immediately be taken to **ensure natural ventilation** of the detention area;
- measures should immediately be taken to **create an outdoor exercise area**
- the **entertainment area** should be redesigned and provide means of creative entertainment activities;
- **a detention order should be obtained within 24 hours from arrest and be kept in the detainee file;**
- **detainees files** must contain all the forms provided by the legislation in force, and detainees must be fully informed of the Rules of Detention and their Rights.

Furthermore, the Commissioner reiterated her recommendation to **remove the separating glass placed at the visitors area** and to find other, milder means to prevent prohibited substances from entering the detention centre.

With regard to the rights and treatment of persons with disabilities, the Commissioner pointed out that, although considered according to the Police suitable for the detention of persons with disabilities, the specific Detention Centre is failing in almost all aspects of the rights of this particular group of detainees, as these are enshrined in the UN Convention on the Rights of Persons with Disabilities.

The Commissioner, as Independent Mechanism for the Promotion, Protection and Monitoring of the UN Convention on the Rights of Persons with Disabilities, drew the attention of the competent services to the provisions

of the Convention, starting from the general state obligations stemming from articles 2-5 thereof to **integrate disability issues in all the policies** that are implemented in Detention Centres.

Therefore, there is a need to promote a series of measures which should be thoroughly examined and implemented through the development of effective policies and practices.

The Commissioner's recommendation in this connection was the implementation of a specific Plan, the objectives of which would be:

- the inspection of Detention Centres by public competent departments, inside and outside the Police, in order to redesign or modify them, or both, and make them **accessible to all persons with disabilities**, taking into account the need for an accessibility chain;
- the provision of suitably **adjusted, accessible and safe equipment** to detainees with disabilities;
- the provision of **forms** relating to the rights of detainees in formats accessible to everyone;
- the provision and availability **to persons with disabilities** of information related to the internal functioning of Detention Centres on an equal basis with other detainees;
- the cooperation with professionals and the provision of **facilitations or services of communication** that can serve detainees with disabilities for the purposes of their communication with a lawyer, doctor and the staff of the Detention Centres, as well as with other detainees and visitors;
- the provision of information and training of the staff of Detention Centres in practices for equal treatment of detainees with disabilities

and protection against discrimination, harassment due to a disability, ill-treatment and violence.

The aim and purpose of drawing up and implementing such a Plan should be to ensure equal conditions of detention for detainees with disabilities in the sense that these persons should under no circumstances be exposed to conditions of detention/deprivation of liberty which, due to their lack of adjustment on the basis of their disability, become more unfavourable to them.

The aforementioned Report of the Commissioner as NPM was submitted to the Minister of Justice and Public Order, as the competent authority in accordance with article 9 of L. 2(III)/2009, and was forwarded to the Chief of Police for his information and the Minister Health for any actions he may wish to take.

At the same time, although this Report was drawn up on the basis of the Commissioner's responsibilities as the Independent Mechanism for the Promotion, Protection and Monitoring of the UN Convention on the Rights of Persons with Disabilities, the Report was also submitted to the Minister of Labour, Welfare and Social Security and to the Chief of Police to implement the appropriate measures for persons with disabilities in detention. As a first step, the Commissioner proposed to promote **the creation of *at least one suitable place of detention in every District, as analysed further below.*** The Report was also forwarded to the Department of Social Integration of Persons with Disabilities, which constitutes the focal point for the implementation of the Convention, and to the Cyprus Confederation of Organisations of the Disabled for their information.

D. DEVELOPMENTS IN COMPLIANCE WITH THE RECOMMENDATIONS OF THE NPM

1. Police:

The Ministry of Justice and the Police have taken a range of **measures to comply with** the recommendations made by the NPM. More specifically, decisions have already been taken on the improvement of material conditions regarding the **natural ventilation** and the creation of an **outdoor exercise area** in **Detention Centres** in all Districts.

Furthermore, the competent Ministry and the Chief of Police reaffirmed their firm **commitment** to the **zero-tolerance policy** on **ill-treatment** and their positive attitude towards the Commissioner's recommendations.

In addition, the Mechanism is still in close cooperation with the Cyprus Police Academy for the implementation of different educational programmes with the participation of Officers of the Mechanism.

2. Prisons:

Issues raised in the previous Reports of the Mechanism on **Prisons** continue to be closely monitored. The appointment of the new Director of the Prisons Department and the unwavering commitment of the competent Minister to improve the penal institution with particular emphasis on the human rights of detainees have undoubtedly already brought positive results.

As has been seen, **the Prison's operating framework** is today **moving within the guidelines** drawn through the Commissioner's recommendations as NPM, resulting in a **notable improvement in the conditions of detention** on a series of issues that have been raised in the past. The new policies that have begun to be implemented, mainly on the detainees' contact with the outside world, prison overcrowding, the treatment of sexual offenders and of persons detained for debt constitute actions towards the right direction.

The NPM will continue to monitor the situation in Prisons through its close cooperation with the competent Ministry and the Prisons Department.

3. Athalassa Psychiatric Hospital:

After years of delays and bureaucratic inefficiencies, the process of **deinstitutionalisation of 8 individuals** hospitalised in Ward 14 of the Psychiatric Hospital has been completed. Today, these individuals live in independent residences of the Ayios Christoforos Home, where living conditions are clearly improved.

The Mechanism will continue to monitor both the conditions in the Psychiatric Hospital and the conditions in the independent residences in order to safeguard the rights of people living there and provide every possible assistance to achieve their successful deinstitutionalisation in the sense of them living independently and enjoying their rights.

E. INTERNATIONAL COOPERATION

Contacts with the United Nations Subcommittee on Prevention of Torture (SPT)

In late 2015, the Mechanism had close and regular contacts with the United Nations Subcommittee on Prevention of Torture (SPT) in the preparation of their visit to Cyprus in January 2016.

In this context, an overall assessment was carried out of the work made by the Mechanism and the conditions under which it operates. A key tool in the aforementioned assessment was the “NPM Self-Assessment Tool”, which was completed and sent to the said Subcommittee for their information before their arrival.

The SPT's visit took place from 26 to 29 January 2016 and, therefore, their conclusions and observations will be analysed in the next Annual Report for the year 2016.

F. PARTICIPATION IN CONFERENCES

An Officer of the Mechanism participated in a Conference in Vienna held between 28 and 30 April 2015 on "Strengthening NPMs" organised by the University of Bristol and the Ludwig Boltzmann Institute.

G. COOPERATION WITH NATIONAL AUTHORITIES AND OTHER STAKEHOLDERS

In the exercise of her mandate, the Commissioner holds regular consultations, either through correspondence or meetings with the competent authorities of detention centres, such as the Chief of Police, the Senior Director of Prisons, the Ministry of Justice and Public Order, the Ministry of Health and the Ministry of Labour, Welfare and Social Insurance.

In addition, the Commissioner as NPM, together with her Officers, regularly participates in relevant presentations and lectures organised within the Police Academy.

In 2014, the Mechanism set up a Working Group with non-governmental organisations (NGOs), calling these latter involved in matters of detention to participate in the said Group. The establishment of the said Group was considered necessary to exchange experiences and information on places of detention visited by NGOs and the Commissioner, as well as to monitor the implementation of the Commissioner's recommendations through the regular contacts of representatives of NGOs with persons in detention.

Furthermore, on 4 September 2015, Officers of the Mechanism held a meeting with representatives of the Chief of Police to discuss the access of

NGOs to places of detention based on the existing legislation and practice and new ways to facilitate NGOs in executing their work. This matter continues to be monitored by the Mechanism.

Then, on 10 September 2015, a meeting was held between the Working Group and the NGOs to inform these latter of the discussion previously held with the Chief of Police, while various other issues on safeguarding the rights of detainees were discussed based on the experiences of the NGOs.

A. ACTIVITIES OF THE NPM

26-29 January 2016: Visit of the UN Subcommittee on Prevention of Torture to Cyprus

1-15 February 2016: Participation in a programme organised by the NGO “Future World Center” on alternative measures to detention

12 February 2016: Visit to the Lakatamia Police Detention Centre to monitor the process of implementation of recommendations

23 February 2016: Visit to the short-term detention area in the Nicosia Assize Court

03 March 2016: Submission of a Report on the short-term detention area in the Nicosia Assize Court

15 - 18 March 2016: Lecture held at the Police Academy as part of a recurrent training programme of Special Police Officers serving at the Immigration Detention Centre in Menoyia.

4 April 2016: Submission of a Consultation Paper on alternative measures to detention

12 April 2016: Lecture held at the Police Academy as part of a recurrent training programme of Special Police Officers serving at the Immigration Detention Centre in Menoyia.

07 April 2016: Visit to the Nisou Police Station to monitor the process of implementation of recommendations

13 April 2016: **Visit to the Limassol Central Police Station** to monitor the process of implementation of recommendations

13 April 2016: **Visit to the Ayios Stefanos Foundation**

21 April 2016: **Submission of views** on the contents of the Handbook prepared by the Police on the Standards of Detention Centres

10 May 2016: Meeting with stakeholders on the process of **deinstitutionalisation of persons with mental disorders** from Ward 14 of Athalassa Psychiatric Hospital

19 May 2016: Participation in a **Conference on alternative measures to detention**

07 June 2016: **Public Stance on incidents of police violence**

7-8 June 2016: **Participation in a seminar** on strengthening the cooperation of the judicial power with the NPMs

16 June 2016: **Visit to the Lakatamia Detention Centre** to monitor the implementation of the recommendation for natural ventilation

26 June 2016: **Press Release** issued on the occasion of the International Day against Torture.

11 July 2016: Submission of views to the Chief of Police on the erection of a new building of the Morfou Police Department

15 July 2016: **Visit to the Christakis Hasapis Foundation in Larnaka**

18 July 2016: Participation in a meeting on the implementation of recommendations to the Pafos Detention Centre - on-site visit

22 August 2016: Submission of views to the Chief of Police on natural ventilation at the Lakatamia Detention Centre

12 September 2016: **Lecture held at the Police Academy** as part of a recurrent training programme of Special Police Officers serving at the Immigration Detention Centre in Menoyia.

15 September 2016: Participation in a meeting held at the Ministry of Justice and Public Order to discuss the process of implementation of works for the improvement of the detention conditions in Detention Centres.

3 October 2016: Participation in a session of the Parliamentary Committee on Human Rights

13 - 14 October 2016: **Participation in the Annual Conference of NPMs**

3 November 2016: Presentation to a **Workshop on “Searching Alternatives to the Detention of Third-Country Nationals in Cyprus”**

9 November 2016: Participation in a session of the Parliamentary Committee on Legal Affairs

16 November 2016: Lecture within the training of the new guards at the Central Prisons

6 December 2016: **Organisation of an anniversary event** on the occasion of the 10th anniversary of the Optional Protocol to the UN Convention Against Torture

9 December 2016: Greeting speech by the Commissioner and presentation at a Workshop of the Cyprus Police on the occasion of the International Human Rights Day

B. REPORT ON THE SHORT-TERM DETENTION AREA IN THE NICOSIA ASSIZE COURT

In accordance with articles 4 and 5 of L. 2(III)/2009 whereby Cyprus has ratified the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, the Commissioner for Administration has the mandate to carry out unrestricted and regular visits without to places in which people are or may be deprived of their liberty. In this context, the meaning of a place of deprivation of liberty extends beyond the traditional places, such as prisons and police stations to encompass any other places in which persons may be deprived of their liberty at a given moment.

Such a place includes the detention area in the Nicosia Assize Court which is used for the safe custody of the detainee while waiting to appear before the competent Court.

The visit to the said area was conducted on 23 February 2016 upon consultation with the Police and the Chief Registrar of the District Court of Nicosia, as the area was undergoing upgrading works.

It was noted that it should be made clear to all the members of the Police involved in transferring and detaining people in such places that the rights of detainees as provided in the relevant legislation (L. 163(I)/2005) shall apply *by analogy* in the waiting area. Therefore, the obligations of the members of the Police to ensure respect for the rights of detainees should be applied accordingly.

The Commissioner welcomed the initiative and the proposals under consideration, as they are indeed designed to improve the conditions and the safer and more efficient operation of the area. She therefore urged the competent authorities to implement and complete the works required the soonest possible.

With regard to the wider treatment of detainees and the protection of their rights, the Commissioner's basic recommendations for the said area is **the creation of an area where private meetings can be held between lawyers and detainees, the keeping of detailed records and the provision of food, where necessary.**

In addition to the above, the Commissioner suggested that members of the Police transferring detainees from and to places of detention, as well as **those serving** in waiting areas in Courts or other places should receive **specialised training** on the relevant issues.

The NPM's Report was submitted to the Minister of Justice and Public Order and the Chief of Police in order to take their own actions, requesting them to inform the Commissioner of the progress of implementation of the recommendations and related works in the area within 2 months. At the same time, the Report was forwarded to the Chief Registrar of the District Court of Nicosia and to the Director of the Department of Public Works for their information and any actions they wish to take.

Today, all improvement works have already been completed on the basis of the aforementioned recommendations, a fact which led to the improvement of the conditions of detention, thus ensuring respect of the rights of detainees.

C. CONSULTATION PAPER ON THE IMPLEMENTATION OF ALTERNATIVE MEASURES TO DETENTION DURING DEPORTATION PROCEDURES

The Commissioner, through unannounced visits, as well as through the recommendations submitted thereby as NPM, is called upon to act *proactively* on ill-treatment to places of detention by minimising the factors and conditions which tend to violate the rights of detainees.

Arbitrary detention, that is detention that is not based on the law or that is disproportionately imposed, constitutes a violation of the fundamental right

to freedom. As a result, the issues arising in taking and enforcing the relevant decisions to impose a detention order constitute, without doubt, an important area of interest and concern for the NPM.

In view of the severity of the issue of detention during deportation procedures and the inadequate regulation or provision for alternative measures to detention, both at a legislative and an administrative level, it was considered appropriate to submit this **Paper** outlining the general framework **governing the use of alternative measures**, which will constitute the basis for consultation with all stakeholders in order to thoroughly discuss and analyse the issue towards strengthening the existing or creating a new coherent framework that will safeguard, first and foremost, the **rights of irregular migrants, protect them from illegal administrative detention and offer less stringent but effective alternatives** through the implementation of a specific procedure and clear criteria.

The **Consultation Paper** was submitted to the competent authorities and to non-governmental organisations. The said stakeholders were then invited to submit their views in writing and, later on, to participate in the Consultation Meeting with the Commissioner to give their views, share their experiences and submit their own proposals on the matter, which will be examined and taken into account in drawing up the final conclusion. The said consultations have been completed, and it is expected that the final conclusion will be drawn up at the discretion of the Commissioner.

D. PUBLIC STANCE ON INCIDENTS OF POLICE VIOLENCE

In the light of incidents of police violence and the public debate that followed, the Commissioner submitted a relevant **Public Stance** in order to **promote a debate** on the issue of **police violence**, highlighting her deep and growing concern about the mentality which, unfortunately, seems to have been embedded into a significant portion of the police force.

The public debate on the beating of a detainee, which led to the criminal conviction of two police officers, and the subsequent statements made by members of the Police revealed that a portion of the Police seeks to justify the violence used against citizens as being the only and most important means of effective police operation.

In addition to the above statements, what is particularly alarming to the Commissioner is the fact that several colleagues of the two police officers have rushed to express their support, even demanding for justice to be served by convicting the citizen who attacked the police officers and acquitting their fellow colleagues.

Unfortunately, this incident has brought to the fore mentalities, attitudes and behaviours that, despite modernisation efforts, seem to continue to characterise a portion of the police force, triggering reflexes which are based on the complete distortion of both the police mission and the concept of “collegial solidarity”.

The violation of individual freedoms through arbitrary and unnecessary police violence torpedoes the relations between the police and the citizens, as it annuls the role of police officers as guardians of legitimate interests, turning them into a potential risk to them.

Preventing and tackling arbitrariness can be achieved only through a **deep and substantive understanding of democratic culture**, in which the respect for human rights will constitute the mission and the limits of the police action.

To this end, the Commissioner recommended that a long-term **Action Plan** integrating in a comprehensive and targeted manner actions and measures to prevent, educate and control police violence, as well as a framework for investigating and enforcing disciplinary and criminal sanctions, be drafted, adopted and implemented.

The Police, in response to the aforementioned recommendation, has already taken a number of actions to further raise awareness among its members of the issue of human rights and arbitrary violence, while research and several studies are currently being drawn up to highlight the broader aspects of this issue. Furthermore, the Mechanism has declared its readiness to assist in any way within its power to prevent such incidents from happening in the future.

E. DEVELOPMENTS IN COMPLIANCE WITH THE RECOMMENDATIONS OF THE NPM

1. Police:

The Ministry of Justice and the Police have taken a number of actions to comply with the NPM's recommendations. More specifically, decisions have already been taken to improve the material conditions regarding the **natural ventilation** and the creation of an **outdoor exercise area** in Detention Centres in all the Districts.

Furthermore, the competent Ministry and the Chief of Police reaffirmed their firm commitment to the zero-tolerance policy on ill-treatment and their positive attitude towards the Commissioner's recommendations.

In this context, Officers of the Mechanism worked closely with members of the Police to better comply with the recommendations submitted. In particular, joint visits with the Police have been conducted to Detention Centres where improvement works are currently being carried out, or planned to be carried out, in order to assist in the compliance with the international standards. More specifically, Officers of the Mechanism participated in on-site inspections and meetings with regard to natural lighting and ventilation, as well as the creation of an outdoor exercise area in the Police Stations of Lakatamia, Limassol and Pafos.

Particularly significant was also the cooperation of the Police on the views/suggestions submitted by the Authority during the design phase of the

new buildings that will house the Police Department of Morfou and Famagusta, while the Authority has also contributed with its suggestions in the content of the Handbook prepared and adopted by the Police with regard to the minimum standards that Detention Centres should meet.

2. Athalassa Psychiatric Hospital:

After years of delays and bureaucratic inefficiencies, the process of deinstitutionalisation of 8 individuals hospitalised in Ward 14 of the Psychiatric Hospital has been completed. Today, these individuals live in independent residences of the Ayios Christoforos Home, where living conditions are clearly improved.

The Mechanism will continue to monitor both the conditions in the Psychiatric Hospital and the conditions in the independent residences, in order to safeguard the rights of people living there and provide every possible assistance to achieve their successful deinstitutionalisation in the sense of them living independently and enjoying their rights, and will make further recommendations in this direction.

3. Care Homes for the Elderly and the Disabled:

In the context of recommendations previously submitted on the legal framework for the operation of Care Homes, the competent Ministry has prepared and promoted a relevant Bill, which is being closely monitored by the Mechanism and constitutes the subject of a study to make further observations towards the holistic implementation of what has been suggested.

In the meantime, in the course of 2016, the Mechanism carried out **two visits to places/institutions that accommodate people with disabilities (mainly mental)** to further monitor the conditions of detention in the said places, and will undertake further actions to promote respect for the rights of people with disabilities. The aforementioned actions and visits are being

carried out in close cooperation with the Independent Mechanism for the Promotion, Protection and Monitoring of the UN Convention on the Rights of Persons with Disabilities.

F. COOPERATION WITH NATIONAL STAKEHOLDERS AND INTERNATIONAL ORGANISATIONS

Visit of the UN Subcommittee on Prevention of Torture (SPT) to Cyprus

In accordance with the Optional Protocol to the UN Convention against Torture, a UN Subcommittee on Prevention of Torture (SPT) was established whose mandate is to visit the States Parties.

In the context of its mandate, the Subcommittee carried out a visit to Cyprus on 25-29 January 2016 with a view to offering advice and technical support to the Mechanism and to assisting the authorities of Cyprus as a State Party to fulfil its obligations deriving from the Protocol.

After the visit, the Subcommittee drew up and submitted a Report to the State Party setting out its findings and suggestions to the competent state authorities. This report was forwarded to the Office of the Commissioner. As the contents of the said Report remain confidential so far as Cyprus has not yet decided waive the rule of confidentiality and publish the report, the recommendations and remarks will not be analysed here. At this stage, the Cypriot authorities are expected to submit to the Subcommittee their comments on its remarks and recommendations, and, in particular, the actions that the Cypriot authorities have taken or intend to take to implement the recommendations.

The NPM will continue to closely monitor the developments made to adopt and implement in the Subcommittee's recommendations, as well as the follow-up dialogue.

Participation in sessions of Parliamentary Committees

In 2016, the Mechanism participated in a session of the Parliamentary Committee on Human Rights on the existing situation in prisons and submitted its remarks and views over the issue before the members of the Committee. The Mechanism also participated in sessions of the Parliamentary Committee on Legal Affairs during the discussion of a proposed Bill with regard to amendments to the Rights of Persons Arrested and Detained (Amendment) Law, the European Arrest Warrant and the Surrender Procedures of Requested Persons between the Member States of the European Union (Amendment) Law, as well as the right of access to a lawyer and an interpreter in order to comply with relevant European Directives.

Participation in educational programmes of the Police Academy

In the course of 2016, the Mechanism continued its cooperation with the Cyprus Police Academy by participating in lectures held for members of the Police. In particular, the Mechanism participated on a regular basis in a recurrent training programme for those serving the Immigration Detention Centre in Menoyia, with lectures mainly on human rights and multi-cultural issues, while other lectures were held to several members of the Police on the prevention of ill-treatment of detainees.

Participation in the training of newly employed guards in the Prisons Department

Officers of the Mechanism participated in the training programme of a team of newly employed guards in the context of the cooperation of the Commissioner with the Prisons Department. The training included a three-hour lecture on “Human Rights and the Penal System” and the participants had the opportunity to discuss matters regarding the treatment of detainees and human rights.

Contacts with NGOs

The Commissioner as the NPM participated in a programme organised by an NGO on the use of alternative measures to detention in Cyprus. During the programme, Officers of the Mechanism held meetings with the participating stakeholders and provided information through relevant questionnaires for a relevant research.

G. PARTICIPATION IN CONFERENCES/EVENTS

On 19 May 2016, an Officer of the Mechanism participated with a presentation in a conference on alternative measures to detention organised by the United Nations High Commissioner for Refugees in Cyprus (UNHCR) in collaboration with the NGOs, International Detention Coalition and the Future Worlds Center, at the Filoxenia Conference Centre.

On 7-8 June, an Officer of the Mechanism participated in a two-day conference on the strengthening of the cooperation of NPMs with the judicial power, organised by the Ludwig Boltzmann Institute of Human Rights (BIM) and the European Academy of European Law - ERA) in Vienna.

On 13-14 October 2016, an Officer participated in the Annual Meeting of NPMs from the OSCE Region, organised by the Organisation for Security and Co-Operation in Europe (OSCE) and the international NGO, APT, in Vienna.

On 3 November 2016, an Officer participated in a Workshop on “Searching Alternatives to the Detention of Third-Country Nationals in Cyprus” organised by the United Nations High Commissioner for Refugees in Cyprus (UNHCR) in collaboration with NGO, Future Worlds Center.

On 6 December 2016, the NPM, on the occasion of the 10th anniversary of the implementation of the Optional Protocol in Cyprus, organised an **Anniversary Event on “The Optional Protocol to the UN Convention**

against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment:10 years of prevention” under the auspices of the European Union House in Cyprus. The event opened with a welcome speech by the Minister of Labour, Welfare and Social Insurance and the Minister of Justice and Public Order. The event consisted of two thematic areas, the first on “Prisons and Prevention against Torture: Experiences and Challenges” and, the second, on “Care Homes for the Elderly and the Disabled, and Prevention against Torture: Experiences and Challenges”. The event was attended by representatives of the European Committee for the Prevention of Torture (CPT), the UN Subcommittee on Prevention of Torture (SPT), as well as representatives of the Prisons Department, the Pancyprian Bar Association, the Social Welfare Services and the Elders’ Parliament.

On 9 December 2016, the Commissioner for Administration gave a welcome speech at the Workshop organised by the Cyprus Police on the occasion of the International Human Rights Day. At the said workshop, an Officer of the Mechanism gave a speech on “Preventing ill-treatment and safeguarding the fundamental rights in detention”.

A. ACTIVITIES OF THE NPM

21 January 2017: Organisation of a Conference on “Sexual Offences: Penalty? Correction? Remedy?” in collaboration with the Constantion Institute of Criminal Investigation and the British High Commission in Cyprus.

13 March 2017: **Submission of Stance (NPM 1/2017) on the process of deinstitutionalisation of people with mental disabilities in Ward 14 of the Psychiatric Hospital of Athalassa.**

15 May 2017: **Submission of opinions on the new Police Department of Famagusta.**

29 May 2017: **Visit to the Central Prisons**

31 May 2017 - 1 June 2017: **Participation in a conference organised by the Council of Europe and OSCE in Strasbourg on: “Draft set of rules for administration detention of migrants and independent observatory of NPMs”.**

6 June 2017: **Participation in a meeting to discuss the new buildings of the Police Departments in Famagusta and Morfou.**

22-23 June 2017: **Participation in a Public Hearing organised by the Council of Europe in Strasbourg on: “EUROPEAN COMMITTEE ON LEGAL CO-OPERATION (CDCJ) - CONDITIONS OF ADMINISTRATIVE DETENTION OF MIGRANTS- HEARING OF KEY STAKEHOLDERS AND CIVIL SOCIETY”.**

25 - 27 September 2017: **Participation in a conference organised by IOI in Vienna on “Communication skills & techniques”.**

5 October 2017: **Visit to the Police Station of Kofinou** for an on-site inspection of the works made to create an outdoor exercise area.

30 October 2017: **Visit to the private Care Home for the Elderly and the Disabled “Ayios Ioannis”** in Kolossi.

30 November 2017: **Visit to the Detention Centre of Oroklini.**

B. STANCE ON THE PROCESS OF DEINSTITUTIONALISATION OF PEOPLE WITH MENTAL DISABILITIES FROM THE PSYCHIATRIC HOSPITAL OF ATHALASSA

In accordance with article 7 of Law 2 (III)/2009, the Commissioner as NPM has the mandate to submit her views and recommendations on the strengthening of the rights and the improvement of treatment of detainees, as well as the prevention of torture and other inhuman or degrading treatment.

The said stance emphasised that the rights of people with disabilities are, first and foremost, human rights and no discrimination due to disability can be tolerated in safeguarding such rights.

Therefore, taking every appropriate measure to ensure that persons with disabilities are able to enjoy, on an equal and effective basis, the human rights and freedoms in their entirety constitutes a fundamental obligation of the State.

As noted in the Stance, unfortunately, the State, for many years, has failed to meet its obligations towards people with mental disabilities who were confined in Ward 14 of the Psychiatric Hospital of Athalassa, thus demonstrating unprecedented indifference to safeguarding the rights of these individuals. For decades, these people were under compulsory hospitalisation in a place completely unsuitable for their condition but also

strongly institutional, a fact which had adverse and catalytic effects on their health and their disability.

Furthermore, it was found that the process of deinstitutionalisation was carried out with no vision and without approaching through specific steps and policies the goal of independent living of these people.

It is also noted that the whole evaluation procedure was aimed only at establishing their ability to be deinstitutionalised, as though deinstitutionalisation is a privilege to be acquired, ignoring the primary need to establish whether there is a justifiable need or not for the hospitalisation to continue in the psychiatric institution. Thus, the decision whether the hospitalisation of persons with disabilities should continue or not was the result of an evaluation carried out on the basis of whether they are able to respond to a predetermined deinstitutionalisation plan based on (a) their disability and (b) functionality.

As stated in the Stance, however, when the State is called upon to manage issues relating to people with disabilities, the policies to be implemented should be tailored to the needs and abilities of these people, and not the other way around.

It was highlighted that both the Ministry and the Department for Social Inclusion of Persons with Disabilities did not take any measures to promote and prepare the deinstitutionalisation of those still in the Psychiatric Hospital of Athalassa, except, as stated during the relevant meetings of the competent Parliamentary Committee, the issue is expected to be resolved at ministerial level through the cooperation of co-competent Ministries.

The Stance also notes that the situation, as it is today, unfortunately does not meet the international obligations of Cyprus both in regards to the rights of these people and the prevention of inhuman and degrading treatment.

This is why a recommendation was submitted to the Ministry of Health and the Ministry of Labour, Welfare and Social Insurance, through the relevant Services/Departments, urging them to immediately proceed to a thorough evaluation whether all these people with disabilities should remain hospitalised in the Psychiatric Hospital of Athalassa for treatment and monitoring purposes and, at the same time, to conduct an in-depth assessment of existing programmes, policies and options of desinstitutionalisation, so that they are appropriately redesigned and adapted in such a manner so as to create more opportunities for the deinstitutionalisation for as many people as possible.

The Commissioner even recommended the drawing up of individual plans based on the needs, abilities and preferences of each individual, with the ultimate and essential goal being their systematic deinstitutionalisation and, in long-term, their independent living, away from any gaps that would favour regression. In this context and as it was stated, it is also important to take into account and address the impact that the institutionalisation itself has brought on these people.

In addition, as the Commissioner has highlighted, central and primary concern in laying down the framework of policies, measures and administrative practices should be the enjoyment of the right to independent living in the sense of the effective integration of the individual into society in a way that allows the enjoyment of all his or her rights.

The Stance was submitted to the Ministry of Health and the Ministry of Labour, Welfare and Social Insurance in order to take their own immediate measures, as well as to the Director of Mental Health Services, the Director of the Department for Social Inclusion of Persons with Disabilities, the Cyprus Confederation of Organisations of the Disabled and the Committee for the Protection of the Rights of People with a Mental Disability.

C. COOPERATION WITH NATIONAL STAKEHOLDERS AND INTERNATIONAL ORGANISATIONS

Cooperation with the Police

In the exercise of its mandate, the NPM closely cooperates with all the Departments of the Police and, in particular, with the Office for Human Rights, as well as with local Police Stations to provide views and guidelines on complex issues related to the respect of human integrity of people in detention.

The Commissioner for Administration was invited as NPM to submit her views and positions on the building of the new Police Department in Famagusta. In this context, the Commissioner has made her remarks to the Committee for the Protection of the Mentally Retarded Persons (L. 117/89) on the buildings requirements that should comply with international standards on respect for the rights of detainees. Special reference was also made to the need to ensure proper working conditions for the members of the Police, as well as to the rights of persons with disabilities who might, in the future, be detained in the said place.

On the basis of the Commissioner's remarks, the Police convened an extended meeting, held on 6 June 2017, to discuss the recommendations and practical measures for their implementation, both with regard to the Police Department building in Famagusta and the new Police Department building in Morfou.

It was with great satisfaction that the Commissioner welcomed the measures taken to fully comply with her recommendations on both these new buildings.

Within the framework of cooperation with the local Police Stations, and upon a relevant invitation by the Police, a visit was also conducted by Officers of the Officer of the Commissioner to the Police Station of Kofinou

for an on-site inspection of the works on the creation of an outdoor exercise area. The visit was followed by a discussion on the remarks and recommendations of the Officers, while works were planned to be carried out for the implementation of the recommendations.

Cooperation with the Council of Europe

On 22-23 June 2017, the Council of Europe in Strasbourg held a Public Hearing of all NPMs before the competent Council Committee on: “European Committee on Legal Co-Operation (CDCJ) - Conditions of Administrative Detention of Migrants - Hearing of Key Stakeholders and Civil Society”. Cyprus was represented by Officers of the Officer of the Commissioner for Administration, actively participating in the works of the Hearing and submitting comments and views on the Draft Plan on the new Regulation of the Council of Europe for the Administrative Detention of Migrants.

D. PARTICIPATION IN CONFERENCES/EVENTS

The NPM, in collaboration with the Constantine Institute of Criminal Investigation and the British High Commission in Cyprus, organised an International conference on “Sexual Offences: Penalty? Correction? Remedy?”. The Conference was attended by distinguished lawyers and experts from Cyprus and abroad, who analysed and made recommendations on the legal framework, the experiences and the specialised issues concerning the treatment of perpetrators of sexual offences.

On 31 May 2017 and 1 June 2017, an Officer of the Commissioner’s Office participated in a conference organised by the Council of Europe and OSCE in Strasbourg on: “Draft set of rules for administration detention of migrants and independent observatory of NPMs (NPM Obs)”. Following the said Conference, the NPM participated in a Public Hearing, submitting its comments on the aforementioned rules regarding the administrative detention of migrants.

On 25-27 September 2017, an Officer of the Commissioner's Office participated in a conference organised by the International Ombudsman Institute in Vienna on "Communication skills & techniques". The conference was attended by representatives of NPMs from 30 countries, as well as observers by the United Nations Subcommittee on Prevention of Torture (SPT) and the Association for the Prevention of Torture (APT). During the conference, participants were provided with a training to develop interview techniques and communication skills in order to optimise interaction

and communication with people in detention.

On 16 December 2017, the Commissioner for Administration and Protection of Human Rights participated in an international conference organised by the Constantine Institute of Criminal Investigation on "International Penal System".

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