

Committee against Torture

Concluding Observations on the fifth periodic report of Cyprus*

1. The Committee against Torture considered the fifth report of Cyprus (CAT/C/CYP/5) at its 1792nd and 1794th meetings, held on 15 and 18 November (CAT/C/SR.1792 and 1794), and adopted the following concluding observations at its 1809th meeting (CAT/C/SR.1809).

A. Introduction

2. The Committee expresses its appreciation to the State party for accepting the optional reporting procedure and to have submitted its periodic report under it, as it improves the cooperation between the State party and the Committee and focuses the examination of the report as well as the dialogue with the delegation.

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

B. Positive aspects

4. The Committee welcomes the decision of the State party to make public the report of the United Nations Subcommittee on Prevention of Torture (SPT) regarding its visit to Cyprus from 25 to 29 January 2016.

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

(a) Law No L.60(I)/2014 on The Prevention and Combating of Trafficking and Exploitation of Persons and the Protection of Victims;

(b) Law No L.51(I)/2016 on Establishing Minimum Standards on the Rights, Support and Protection of Victims of Crime;

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

(d) Law No. L.22 (I)/2017 on the Rights of Persons who are Arrested and Detained (Amendment).

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

(a) Adoption of the National Action Plan against Trafficking in Human Beings (2016-2018);

* Adopted by the Committee during its 68th session (11 November – 6 December 2019)

(b) Adoption of the National Action Plan on the Prevention and Combating of Violence in the Family (2017-2019).

C. Principal subjects of concern and recommendations

Pending follow-up issues from the previous reporting cycle

7. In its previous concluding observations (CAT/C/CYP/4), the Committee requested the State party to provide follow up information on the steps it had taken to implement the Committee's recommendations relating to strengthening legal safeguards for persons detained. The Committee appreciates the reply received on 11 June 2015 under the follow up procedure (CAT/C/CYP/CO/4/Add.1). In light of the information provided, the Committee finds the recommendations in paragraphs 7 (Fundamental legal safeguards) 11 (Identification of victims of torture during the refugee determination process), and 17 (Detention of undocumented immigrants) are partially implemented. The Committee requests further statistical data, and these issues will be addressed in paragraphs 11, 15, 17, 23, 25, 29, 33, 35, 39 and 45.

Criminalization of torture

8. While taking note that Law 235/1990 fully incorporates the definition of torture as set out in the Convention, the Committee regrets that Sections 3 and 5 of the law are not regularly applied by domestic courts and thus that the law is not adequately enforced.

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

Fundamental legal safeguards

10. The Committee is concerned at the lack of full compliance by all public officials with fundamental legal safeguards, including the absence of a nation-wide registry of all detained persons, and at the lack of sanctions following non-compliance. In particular, the Committee is concerned by reports of ill-treatment of detainees by police officials, including allegations of sexual abuse. While taking note of draft legislation to remove section 30 of the *Rights of Persons who are Arrested and Detained Law, 2005*, which provided for criminal sanctions of detainees who abuse their right to medical examination or treatment, the Committee is concerned about the lack of safeguards to ensure the confidentiality of detainees' complaints alleging torture or ill-treatment by officials. The Committee also remains concerned regarding reports of a lack of medical screening, including upon admission to a place of detention to detect signs of torture and ill-treatment (arts. 1, 2, 4, 11, 12 and 13).

11. **The State party should:**

(a) **Confirm the removal of or take measures to remove section 30 of Law No. 163(I)/2005, and ensure that detained persons undergo a routine and free-of-charge medical examination when they arrive at a detention facility, including early detection of signs of torture and ill-treatment, and ensure medical confidentiality at all times;**

(b) **Take measures to combat the problem of police abuses in particular during investigations;**

(c) **Ensure that effective complaint mechanisms, in particular through the Independent Authority for the Investigation of Allegations and Complaints (IAIACAP), and the directorate of professional norms and inspections, as well as any complaints committee for irregular migrants remains independent and sufficiently funded;**

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

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

Complaint Mechanism

12. The Committee takes note of the explanations by the State party of the mandate and function of IAIACAP and access to the recruitment exam for lawyers, but remains concerned by the low number of investigations, prosecutions and sanctions compared to the high number of complaints, as well as by the lack of fair investigations as observed by the European Court of Human Rights in *Thuvo v. Cyprus*. The Committee also remains concerned by the lack of independence of the Directorate of Professional Norms, Audits and Inspections as a disciplinary body. The Committee regrets the lack of information about the workings and efficiency of the Complaint Committees appointed in 2013 according to Section 28(1) of “*The Premises of Detention of Illegal Immigrants Regulations, 2011*” charged with receiving complaints from irregular migrants.

13. The State party should:

(a) Ensure that the IAIACAP discharges its mandate with full independence and its investigations are accompanied by the suspension or transfer of accused police agents for the duration of the investigation;

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

(c) Ensure accessibility for the Complaint Committee to centers of detention for irregular migrants, including specifying the mandate of such bodies and ensure their effective operation;

(d) Collect disaggregated statistics on the mentioned complaints, investigations and disciplinary or criminal measures taken, and inform the Committee on such matters.

Rights of detained persons including legal aid

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

15. The State party should:

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

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

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

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

Medical examination of alleged cases of torture

16. The Committee is concerned about the lack of procedural safeguards to ensure a timely medical examination of alleged victims of torture and ill-treatment, including psychological or psychiatric assessments when signs of torture or trauma are detected during personal interviews of asylum-seekers or irregular migrants. The Committee regrets the lack of requested information on rehabilitation of identified victims of torture and ill-treatment, as well as priority access to the asylum process for those who have been so identified (arts. 2, 11, 12 and 13).

17. **The State party should:**

(a) Take measures to ensure that timely medical examinations of alleged victims of torture and ill-treatment comply with the procedures set out in the Istanbul Protocol, and in particular that they are conducted by trained, independent health experts with the support of professional interpreters;

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

Judicial review with suspensive effect for asylum seekers and irregular migrants

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

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

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

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

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

Detention of asylum seekers and irregular migrants

20. Recognizing the challenges inherent in dealing with a large influx of irregular migrants, and taking note inter alia of the 2016 visit report of the Subcommittee on Prevention of Torture (CAT/OP/CYP/1), the Committee remains concerned with the criminalization and routine detention of irregular migrants, the extended periods of detention and the functioning of the migration detention facilities throughout the country. While welcoming information from the State party that asylum seekers are no longer detained under the Aliens and Immigration Laws, the Committee remains concerned about reports that asylum seekers continue to be detained for protracted periods during refugee status determination, including during judicial review of their cases, which reportedly can take up to two years. In addition, the Committee is concerned that no comprehensive identification procedure is in place to ensure the sufficient and timely identification of vulnerable persons prior to ordering detention. While welcoming a) confirmation from the State party that unaccompanied minors and children are never detained under any circumstances, and b) the adoption of policy measures, including a Coordination Mechanism in the Reception system and the Early identification of vulnerable persons, the Committee remains concerned that irregular migrants are still detained if they do not comply with the State's request for voluntary return (arts. 11 and 16).

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

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

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

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

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

Non-refoulement

22. While taking note that Sections 29(4) and (5) of the *Refugees Laws* prohibit the return or refoulement of a refugee or person with subsidiary protection status to a country where inter alia they would be at risk of being subjected to torture and ill treatment or inhuman or degrading treatment, the Committee remains concerned at reports that individuals are still being returned to countries where they might be subjected to torture. The Committee is also concerned about the effectiveness of the appeals process relating to re-examination of decisions of cessation of subsidiary protection status. The Committee is also concerned that the granting of subsidiary protection is approximately five times more frequent than the recognition of refugee status. Finally, the Committee is concerned that in several cases, appealing rejected refugee status applications suspended subsidiary protection, and that there has been a high number of returns during the period under review, including to countries where torture and ill-treatment frequently occurs (arts. 2, 3, 11 and 13).

23. **The State party should:**

(a) Take measures to ensure that no persons are returned to countries where they might face the risk of torture or ill-treatment;

(b) Ensure that beneficiaries of subsidiary protection at risk of losing this status are able to have their cases re-examined before the subsidiary protection ceases

by providing for a clear and effective appeals procedure, including review by an independent second-instance body and notification of individuals of their procedural rights in this respect;

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

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

Domestic violence

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

25. **The State party should:**

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

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

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

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

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

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

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

27. **The State party should:**

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

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

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

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

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

Trafficking in persons

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

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

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

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

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

(e) **Providing the requested statistical data on cases of trafficking within the reporting period, in particular information on how many State officials have been investigated, prosecuted and sentenced, respectively, for complicity in human trafficking year by year during the reporting period.**

National Preventive Mechanism (NPM)

30. While welcoming updated information on the measures taken to provide the Office of the Commissioner for Administration and the Protection of Human Rights (the Ombudsman) with the financial, technical and human resources necessary to fulfil its broad mandate on a

fully independent basis, in particular its functions as the National Preventive Mechanism such as a) the Parliament's approval of four additional staff for the Office of the Ombudsman by the end of 2019, b) amendments to the corresponding provisions so as to ensure that the NPM has the right to access and visit any places where persons are or may be deprived of their liberty without any preconditions and c) the number of visits to places of detention are occurring at a regular and frequent rate despite funding constraints, the Committee remains concerned at the restricted budget and operating capacities of the NPM (article 2 and 11).

31. The Committee urges the State party to take actions to adopt the amendments to national legislation broadening visitation rights of the NPM and to ensure sufficient ear-marked financial, technical and human resources to the Office of the Ombudsman as needed in order to carry out all of its functions as the NPM effectively and independently.

Early identification of torture victims and medical examinations

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

33. The State party should:

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

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

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

(d) Ensure that members of such groups are provided with immediate rehabilitation and priority access to the asylum determination procedure, as well as monitor and evaluate data regarding, *inter alia*, the total number of possible victims identified vis-à-vis the total number of asylum seekers;

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

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

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

(h) Ensure that specialized training in the identification of torture to migration officers and the medical council engaged in the initial examination, including physical as well as psychological evaluations of survivors of torture and other harm of asylum seekers, and the inclusion of tailor-made programmes for certain groups of

vulnerable asylum-seekers that takes into account their peculiar reception and treatment needs.

Detention conditions

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

35. The State party should continue its efforts to bring the conditions of detention in places of deprivation of liberty into line with the provisions of the Mandela Rules, in particular by:

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

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

(c) Putting in place effective procedures to ensure that 1) all deaths, suicides, attempted suicides, as well as threats, racist behavior and abuse by law enforcement officials, and violence in custody are reported to central authorities, and compile data on the same that is disaggregated by place of detention and the victim's age, sex, and ethnic origin; 2) all findings of criminal responsibility lead to proportional penalties and sanctions; 3) preventive measures are implemented in all places of deprivation of liberty regarding the risk of suicide and violence; and 4) detailed information is collected on the outcomes of investigations into such deaths or injuries, including penalties imposed on the perpetrators of torture, ill-treatment or negligence that caused the death or the injuries.

Training

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

37. The State party should:

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

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

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

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

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

Psychiatric facilities

38. While welcoming a) Section 10(1)(g) of the *Psychiatric Care Law, 1997* allowing courts to hear the patient or their representative, along with a social services officer, before the issuance of any court order for involuntary psychiatric placement and b) the new Supportive Living Homes offering support to persons with severe psychosocial disabilities, including ten rehabilitation homes, with seven of these for persons with mental disabilities, c) involuntary detention of persons with severe psychiatric solely prior an obligation for an order by a Judge, the Committee is concerned at reports about combined detention of persons with psychological or psychosocial disabilities with elderly detainees and the use of both chemical and physical restraints. While welcoming the renovations to the Athalassa hospital, including the addition of four wings to reduce crowded conditions, the Committee is concerned that the new law on the management of psychiatric hospitals is prima facie undergoing legal vetting and has still not been passed and implemented (arts. 2, 11, 13 and 16).

39. The State party should:

(a) Compile annual data on therapeutic, occupational and rehabilitative treatments offered at the Athalassa Psychiatric Hospital as safeguards against torture and ill-treatment;

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

(c) Ensure that persons with mental and psychosocial disabilities are not detained with other individuals, such as the elderly, in case they may cause harm to others or themselves, and ensure that there is no combined admission of persons with psychological or psychosocial disabilities together with elderly persons;

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

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

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

Missing persons

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

41. The State party should:

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

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

(c) Redouble efforts to guarantee that the relatives of missing persons identified by CMP receive appropriate redress (General Comment No. 3);

(d) Ensure access to judicial remedies and evidence concerning acts of torture or ill-treatment for victims, their legal counsel and relevant judges (General Comment No. 3, para. 30).

Military service

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

43. The State party should review and amend the Law relating to the National Guard to ensure that children under the age of 18 are never subject to compulsory or voluntary recruitment, in the interest of protecting all children from direct involvement in armed conflict and ensuring children under 18 are not compulsorily or voluntarily recruited into the armed forces.

Redress, including compensation and rehabilitation

44. The Committee is concerned that current laws and practices do not make available effective reparative measures for victims of torture and ill-treatment. While noting that some law enforcement personnel have participated in trainings for handling of victims of torture and ill-treatment, the Committee is concerned at the lack of compensatory or rehabilitative measures provided through civil actions initiated by victims. It similarly notes with concern the lack of specific rehabilitative programmes provided to victims in the form of medical and psychological assistance or annual resource allocation for compensatory reparations. The Committee is concerned about the lack of provisions on redress for victims of torture and ill-treatment in the *Law 9(I) 2006*, and also the lack of specifically designed rehabilitation programs from victims of torture and ill-treatment, and the lack of a long term rehabilitation for the victims. Lastly, the Committee is concerned about the lack of protective measures, including diverse forms of redress (restitution, satisfaction, restoration of dignity and reputation, guarantees of non-repetition) available to victims and their families under the *Law 9(I)/2006* or other laws (arts. 10 and 14).

45. The Committee draws the attention of the State party to general comment No. 3 (2012), in which it explains the content and scope of the obligation of States parties to provide full redress to victims of torture. The State party should:

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

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

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

Follow-up procedure

46. The Committee requests the State party to provide, by 9 December 2023, information on follow-up to the Committee's recommendations on measures to combat the problem of police abuses, in particular during investigations; ensure legal recourse for asylum-seekers and irregular migrants who have lost the protection of suspensive effect; and improve the screening system to ensure early identification, referral, assistance and support for vulnerable asylum-seekers, in particular for victims of torture and ill-treatment (see paras. 11(b), 17(b) and 31(c) above). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the concluding observations.

Other issues

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

48. The Committee invites the State party to ratify any core United Nations human rights treaties to which it is not yet party. The State party is requested to disseminate widely the report submitted to the Committee and the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations and to inform the Committee about its disseminating activities.

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