

**Republic of Cyprus**

**Address by The Law Commissioner**

**Of The Republic, Ms. Louiza Christodoulidou-Zannetou**

**Head of the Cyprus Delegation**

**At the Consideration by the Committee**

**Against Torture and Other Cruel, Inhuman or Degrading**

**Treatment or Punishment**

**of the Fifth Periodic Report of Cyprus**

**Submitted Under Article 19 of the Convention Against Torture**

**and Other Cruel, Inhuman or Degrading Treatment or Punishment**

**Geneva**

**15th and 18th November 2019**

*CHECK AGAINST DELIVERY*

*CHECK AGAINST DELIVERY*

***Mr. Chairman***

***Distinguished Members of the Committee,***

**1.**  It is an honour and a privilege for me and the delegation of the Republic of Cyprus to present the 5th Periodic Report of Cyprus, submitted under Article 19 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

**2.** Please allow me to present the members of our delegation:

* H.E. the Permanent Representative of Cyprus in Geneva, Mr George C. Kasoulides
* The Deputy Permanent Representative of Cyprus in Geneva, Ms Andrea Petranyi,
* Second Secretary of the Permanent Mission Mr Christos Makriyiannis,
* The Mission’s Attache, Ms Christiana Koktsidou,
* Mr Costas Veis, Superintendent B, Cyprus Police Headquarters,
* Ms. Athina Dimitriou, Senior Officer, Cyprus Prisons Department, Ministry of Justice and Public Order
* Ms. Natalia Andreou, Administrative Officer A, Ministry of Labor and Social Insurance
* Ms. Elena Neocleous, Administrative Officer, Civil Registry and Migration Department, Ministry of Interior,

And myself, the Law Commissioner of the Republic of Cyprus.

**Mr. Chairman,**

**3.** Cyprus has ratified almost all international instruments in the context of human rights and has acceded to the compulsory jurisdiction of the European Court of Human Rights and the optional clause of Article 36 (2) of the Statute of the International Court of Justice.

**4.** Allow me to begin by stating that Article 8 of the Cyprus Constitution provides that,

**“No person shall be subjected to torture or to inhuman or degrading punishment or treatment.”**

This right, contained in Part II of our Constitution, is the only human right which is unconditional and without any limitations or exceptions.

**5.**  Cyprus attributes great significance to the United Nations Convention against Torture, as the principal human rights instrument combatting torture and the Government considers and enacts the recommendations made by your Committee. We strongly believe that this process of review strengthens our efforts in combating torture and, in this context, we look forward to engaging with you during the constructive dialogue.

**6.** Cyprus ratified CAT in 1990 and since then submits its periodic Country Reports. In 2009, Cyprus ratified the Convention’s Optional Protocol.

**7.** During the period under review, Cyprus has achieved significant goals in the fight against torture and any other cruel, inhuman or degrading treatment or punishment.

**8.** However, allow me to point out at this stage that the most serious obstacle to the enjoyment of human rights by the people of Cyprus, is the continuing Turkish illegal occupation of about a third of the territory of the Republic of Cyprus since 1974. Regrettably, the Government of the Republic of Cyprus is not in a position to ensure the respect of Human Rights Treaties, nor to apply its human rights policies and laws in the areas not under its effective control. Therefore, the information and data presented in the fifth periodic report and during these proceedings, concern only the areas under the effective control of the Government of the Republic of Cyprus.

**Mr. Chairman,**

**9.** A detailed and thorough analysis of the developments in legislation, administration, government policies and NAPs, appears in our Country Report covering the period up to 2018. Since then, further legislation has been enacted, or is in the pipeline and EU Directives have been transposed into national laws, improving the country’s migration, asylum and anti-trafficking policy. A number of initiatives have or are in the process of implementation, such as improving prison and detention conditions, women’s’ and children’s rights, which I will highlight

**HUMAN RIGHTS DEPARTMENT – NATIONAL STRATEGY**

**10**. A Human Rights Department has been established in 2018 at the Ministry of Justice with a mandate of overseeing and monitoring the situation of human rights in the Public Sector. A National Strategy for the Promotion and Protection of Human Rights and the respective National Action Plan is being drafted in cooperation with the University of Cyprus. The aim is to place the protection and promotion of human rights on a more systematic basis. Moreover, Cyprus is in the process of establishing a National Committee on International Humanitarian Law.

* **TREATMENT OF DETAINEES**

**11**. Serious efforts are undertaken so that detention centres fully meet the European and international standards, with the aim of improving detention conditions and ensuring that detainees are accorded their rights and are afforded respect and dignity throughout their detention.

**12**.In this regard, *The Rights of Persons who are Arrested and Detained (Amendment) Law,* was amended to harmonize with EU Directives (regarding the right of access to a lawyer in criminal proceedings, the right to informing a third party of one’s deprivation of liberty, communicating with third persons and with consular authorities while deprived of liberty, as well as matters pertaining to legal aid for suspects and accused persons in criminal proceedings and for requested persons in European Arrest Warrant proceedings. Police officers are fully trained towards this end. Furthermore, all detained persons are informed of all their rights, including through a document on the “Rights of Detained Persons” in 18 languages.

**13**. The Police has undertaken both training and briefing of Police Officers on issues related to treatment of detainees, ill-treatment and use of force.

**14**. Further to the above, visits by various NGOs, national and international organizations (CPT, SPT, UNHCR, Commissioner of Human Rights, etc), to Police Detention Centers take place, where living conditions are assessed, including via interviews of the detainees to ensure that they enjoy all their rights.

* **TRAFFICKING**

**15**. Cyprus has made considerable progress by strengthening the national legal framework on trafficking in human beings. In 27 July 2019, an amendment to the Anti-trafficking law strengthened the prevention and prosecution framework of the Law and the protection of the victim. It has increased the penalties of the offences provided from 10 years to 25 years, and in case of child victims, the penalty is life imprisonment. More specifically, the penalty for human trafficking has been increased to a maximum 25 years. In the event that the aim of human trafficking is organ removal, or the victim is a child, the penalty has been raised to life imprisonment.

**T**he use of services of victims has been criminalised with a penalty up to 10 years and/or 50,000 euros fine. The use of sexual services is now criminalised by stipulating that any person who asks for or receives or uses the services of a victim of sexual exploitation, is guilty of this offence.

In addition, the fact that a person (the user) may claim that he was not aware that the person from whom he received the service was a victim , does not constitute a defence».

* **PRISONS**

**16.** Prison reforms in the past five years has focused on the human-centered philosophy of rehabilitating and reintegrating inmates. Several international organizations including the UN Subcommittee Against Torture, and the Council of Europe Committee for the Prevention of Torture has commended Cyprus for implementing this humane approach and for normalising living conditions of inmates .

**17.** New management concepts and promoting a learning culture for staff and inmates has been recognized at an international level as Best Practice for the years 2017 and 2018 during the European Prison Regime Forum in Rome and in The Hague, respectively. The prison schools follow the country’s general education curriculum, and all inmates have the same opportunities and free access as any other person outside prisons, up to tertiary level, including educational and vocational training programmes. 75% of Cyprus’ inmates attend prison school.

**18**. Further improvements include a new female block, six gyms, close supervision units for vulnerable inmates and increased contact with the outside world, including open visits for all inmates, unlimited phone calls from 0800 to 1800 hours, Skype calls (taken up by the Council of Europe’s 2016 prison staff handbook as best practice). and increased social activities inside and outside. These improvements have had significant impact in the prevention of ill-treatment, reducing suicide rates and attempts and combatting corruption in prison.

**19.** Establishing the Prison Staff Academy, a new curriculum and increasing the budget for staff training for workshops and courses in Cyprus and abroad, aim at increasing the professional standards of prison staff. and changing attitudes of both staff and inmates, contributing to the prevention of ill-treatment and torture.

**20**. These positive changes and innovations were recently praised by the Council of Europe delegates during the CoE Conference of Directors of Prisons and Probation Services hosted this year by the Cyprus Prisons, highlighting the commitment of the prison administration to achieving the highest possible standards at an international level.

**21**. According to the European Centre for Disease Prevention and Control (ECDC), Cyprus prisons have undergone major reforms, contributing toin the prevention of suicides, self-harm, ill treatment, and inter-prisoner violence, as well as to therapeutic programs for drug addicts.

**22**. Further, the 2016 Law on the Treatment of Accused Drug Users or Drug Dependent Individuals regulates the procedure for the admission of drug users in closed treatment programs outside prisons.

**23**. In 2018, new legislation has eased access to the Parole Board for conditional release and allows serving time to take place in the community, under supervision. “Electronic monitoring” is used as early conditional release measure, under strict and specific criteria and conditions.

Amendments to the Community Service framework as to make it for some cases an alternative to imprisonment, is being considered.

Prison facilities have been expanded and upgraded in recent years to accommodate for an increasing number of inmates.

* **MIGRATION**

**24**. Priority is given to voluntary returns and reintegration programmes, and we work closely with the IOM’s country office which began operating in 2015. For returns, Cyprus has established a monitoring mechanism which aims to monitor all stages of the forced return procedures to ensure the dignified treatment of all returnees

**25.** Αlternative measures to detention are implemented, particularly when persons do not have serious prospects of return, such as persons without travel documents and who originate from countries without a consular presence in Cyprus. These persons are requested to declare an address and present themselves at their nearest police station at frequent intervals.

**26.** Cyprus strictly prohibits thedetention of migrant children . Regardless of a parent’s migratory status, children are entitled to their fundamental rights to health, education, and social care. Unaccompanied children or families with children are not held in detention. Since 2014, in the event of an arrest of a parent of a minor for illegal entry, the other parent is not detained. Where children are accompanied by a single parent, that parent is not detained

* **ASYLUM**

**27**. Cyprus has made considerable progress in the field of asylum in the last 5 years. However, these past four years, Cyprus is facing considerable pressures on its asylum system and is the first host country by population ratio for the third consecutive year in relation to its population, within the EU. Particularly, in 2016, the Government recorded a 55% increase in asylum applications. In 2018 asylum applications further increased to 130% compared to the 70% increase of 2017.

**28.** In 2019, new applicants for international protection have exceeded 1000 per month, making Cyprus the first country per capita in applications for international protection in Europe. In the first semester of 2019, 8,500 applications were filed, with  
2000 from Syria. In a country of less than a million people, these figures constitute considerable pressure on asylum and reception systems.

**29.** Nevertheless, Cyprus remains committed to its international and EU obligations in the area of protection and the sustainability of the rights of asylum seekers and beneficiaries of international protection. The legislation on asylum has at its core the principle of non-refoulement and the protection against serious harm within the meaning of torture, cruel or degrading treatment or punishment. A strengthened legislative framework in the context of rights and procedures in addition to the operation of the newly established Administrative Court of International Protection, significantly aims to improve both protection and rights of all within the asylum system, by adjudicating on substance and law.

**30.** To face the pressures on our national asylum system, several policy measures were adopted and in particular an Operational Scheme by the Council of Ministers, including a Coordination Mechanism in the Reception system and the Early identification of vulnerable persons.

* **CORRUPTION**

**31**. The Establishment and Operation of the Internal Affairs Service of the Police Law was enacted in 2019, establishing the Internal Affairs Service to combat corruption within the Cyprus Police. Its mission includes the collection, evaluation and investigation of corruption-related information within the Police, as well as the investigation and prosecution of corruption offenses committed by and / or involving and / or concealed by members of the Police.

* **TRAINING**

**32**. Training of front-line professionals of all line services continues. This includes judges, prosecutors, police officers, prison staff, social services and eligibility officers for asylum applicants. Following the signing of a cooperation agreement on training between the Cyprus Police and the University of Cyprus, one of the modules for all police recruits is “Policing and Human Rights”. In addition, the Training for Police Recruits at the Police Academy has been enriched, to include a new Module on Fundamental Rights.

* **CHILDRENS’S RIGHTS**

**33**. To monitor and ensure the effective implementation of the National Strategy for the Protection of Children from Sexual Abuse and Sexual Exploitation and the 3 year National Action Plan, a council named “The Voice” was appointed in March 2018. This council, welcomed as an innovative best practice example by the Lanzarote Committee of the Council of Europe, is now designing the new 3-year Action Plan, based among other things on the evaluation of the impact of the first Action Plan. Since 2017, the “**Children’s Home”** (operating on the Icelandic “Barnahus” model), provides, under the same roof, a multidisciplinary specialized and child-friendly support to child victims and their families.

**34**. On the sensitive matter of **juvenile justice**, a comprehensive Bill which adapts the criminal justice system to the needs of children in conflict with the law is before the relevant Parliamentary Committee. The bill deals with preventing and treating delinquency in accordance with internationally binding instruments and guidelines. The best interest of the child is the primary consideration in any decision; and a special Juvenile Court is to be established

* **WOMENS’S RIGHTS**

**35**. **During this period, the reform of the Family Law has been among** our priorities in an effort to safeguard the rights of women and men, enhance the position of women in the family, as well as the best interest of the child, thus achieving full harmonization with relevant International and European Human Rights Instruments, including the UNCRC. To this end, the government, calling upon the expertise of judges, lawyers, the Commissioner for Children’s Rights and academics in the field proceeded with the preparation of seven bills, which are now under discussion in Parliament. In parallel, a bill to criminalize all forms of violence against women, aiming at fully integrating the provisions of the Istanbul Convention into national law has been prepared and is undergoing legal vetting . Moreover, a bill aimed at criminalizing harassment and stalking, has already been tabled before Parliament.

**36**. In January 2019, the Council of Ministers approved the proposal for the creation of the "Women’s House", a crisis center for women victims of violence and their children. The unit will operate as a “one-stop-shop” providing integrated services for victims of violence against women. This "Women’s House" will provide services to migrant women on the principle of non-discrimination, regardless of their migrant/ legal status.

**37**. A Gender Advisor to the Minister of Foreign Affairs is working to mainstream gender in foreign policy, via designing and implementing targeted activities and initiatives at a regional, European and international level with the aim of contributing to efforts to eliminate inequality between women and men in all sectors and to accelerate progress internationally.

**Mr Chairman,**

**38.** Despite the positive developments, Cyprus is determined to continue its efforts to promote and further improve measures for combating torture and all forms of ill-treatment. The Cyprus Government is committed to maintaining and securing the necessary resources for the effective operation of the independent control mechanisms relating to detention and prisons and continuing its work on anti-trafficking, asylum and migration policies for the further advancement of human rights in general, and elimination of torture in particular.

**39.** My delegation and I, will do our utmost, to address your concerns, in the dialogue that will ensue.

Thank you **Mr. Chairman**