

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 19 OF THE CONVENTION**

**Concluding observations of the Committee against Torture**  
*(Extracts for follow-up of CAT/C/CYP/CO/4)*

**CYPRUS**

(...)

**C. Principal subjects of concern and recommendations**

(...)

**Fundamental legal safeguards**

7. While welcoming the enactment of Law No. 163(I)/2005 (para. 5 (a) above), and its application to all persons in detention, including those detained under the immigration legislation, the Committee is concerned that section 23 of the Law does not guarantee the right to be examined routinely and free of charge by an independent doctor from the outset of the deprivation of liberty. The Committee is further concerned that article 30 of the same Law provides for criminal sanctions for detainees who abuse the right to medical examination or treatment, which may have a deterrent effect on the effective exercise of that right. The Committee also takes note of repeated allegations that persons deprived of their liberty were not given information on their rights or were given information that was not in a language they understood, and that individuals were not assigned legal aid prior to their initial interrogations (arts. 2, 11 and 12).

(...)

**(d) Ensure that the State party monitors regularly compliance with the legal safeguards by all public officials and that those who do not comply with those safeguards are duly disciplined.**

(...)

**Identification of victims of torture during the refugee determination process**

11. While recognizing that the government medical council that assesses potential victims of torture during the asylum process was reinforced in 2012 with a psychologist, the Committee is concerned about information indicating that the process still does not include as a routine measure a psychological/psychiatric evaluation of victims. The Committee also notes with concern the insufficient interpretation during the medical assessment, which reportedly led to children of torture claimants assuming the role of interpreters, as well as information indicating

that none of the medical evaluations determined that torture had been the cause of the findings. The Committee also takes into account information indicating that, to date, there is no procedure in place for the timely identification of victims of torture arriving in the State party (arts. 2, 3 and 16).

**The State party should:**

**(a) Urgently improve the screening system introduced by the Asylum Service to ensure that effective measures are in place to identify as early as possible victims of torture and trafficking, and provide them with immediate rehabilitation and priority access to the asylum determination procedure;**

(...)

**Detention of undocumented immigrants**

17. Noting that the Aliens and Immigration Law permits the administrative detention of undocumented immigrants in exceptional cases and when other less coercive measures are not considered adequate, in accordance with the European Union return directive (directive 2008/115/EG), the Committee is concerned that the Aliens and Immigration Law does not list any alternatives to detention and that undocumented immigrants are routinely detained, without a consideration of less coercive measures or the person's risk of absconding. The Committee is further concerned by reports indicating that immigrants are being detained repeatedly by the police, owing to the absence of a valid residence permit, for periods that exceed the 18-month maximum legal period, even when the State party cannot carry out the deportation within a reasonable time. The Committee supports the view of the European Court of Human Rights in *M.A. v. Cyprus* that the current recourse before the Supreme Court under article 146 of the Constitution to challenge the lawfulness of a detention order, which is of an average of eight months at first instance, is too long to guarantee a prompt judicial review of the detention (arts. 11 and 16).

**The State party should:**

(...)

**(c) Apply detention only as a last resort, after alternative measures to administrative detention have been duly examined and exhausted, when necessary and proportionate and for as short a period as possible, which should never exceed the absolute time limit for the administrative detention of undocumented immigrants, including in cases of repeated detention;**

(...)

**Detention of undocumented children and families**

19. While acknowledging the efforts of the State party, through a ministerial decision communicated on 5 May 2014, to limit detention for the purpose of the

deportation of unaccompanied children and families with children, the Committee notes with concern that such detention is still permitted if a mother with minor children “refuses to cooperate” or during the age verification process for an unaccompanied minor. In both cases, the families or minors will be detained “in suitable establishments that will be created in due time with [European Union] Solidarity Funds”. The Committee also notes with concern that children over the age of 8 can be forcibly separated from their parents and placed under the care of the Director of the Social Welfare Services (arts. 11 and 16).

**The State party should ensure that unaccompanied children and families with children are not detained except as a measure of last resort and, in the latter case, after alternatives to detention have been duly examined and exhausted and in the best interest of the child, and for as short a period as possible. The right of children not to be forcibly separated from their parents should be respected, no matter what the age of the child. The State party in such instances should refrain from detaining unaccompanied children and families with children if there are no suitable places to host them.**

(...)

26. The Committee requests the State party to provide, by 23 May 2015, follow-up information in response to the Committee’s recommendations relating to strengthening legal safeguards for persons detained, as contained in paragraph 7 (d) of the present concluding observations. In addition, the Committee requests information on follow-up to the recommendations contained in paragraphs 11 (a) 17 (c) and 19 of the present document.

(...)

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