



# NATIONAL MECHANISM FOR THE PREVENTION OF TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Review on the action of National Preventing Mechanism for the years 2018 & 2019



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# **NATIONAL MECHANISM FOR THE PREVENTION OF TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT**

## **Review on the action of the National Preventive Mechanism for the years 2018 and 2019**

### **Introductory note**

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

This year marks 10 years since the Commissioner for the Administration and Protection of Human Rights has been assigned the mandate to act as the National Stakeholder for the Prevention of Torture.

Preventing incidents of torture and other cruel, inhuman or degrading treatment constitutes the institutional pillar of the National Preventive Mechanism (NPM). The NPM aims, inter alia, at minimising incidents of ill-treatment of persons subjected to detention and at improving the conditions of their detention.

This Report summarises the activities of the NPM for the years 2018 and 2019. It aims at encouraging debate on matters regarding the fulfilment of NPM's mission and at demonstrating the commitment of the competent authorities in responding to recommendations for implementing corrective measures.

The multi-level activities carried out by the NPM between 2018 and 2019 included visits to detention centres, prisons and homes for the elderly and the disabled as well as activities to inform, educate and raise awareness among non-governmental bodies and state stakeholders.

Since its establishment in 2009, the NPM has done excellent work in strengthening the respect for human dignity of people in detention. In the light of the accumulated experience, the NPM is ready to address the challenges in matters concerning prevention and the protection of human dignity in a decisive and constructive manner.

Maria Stylianou-Lottides  
Commissioner for the Administration and Protection of Human  
Rights (Ombudsman)

## **I. LEGAL FRAMEWORK**

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

Subsequently, Cyprus ratified the Optional Protocol to the aforementioned Convention by adopting 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 and other cruel, inhuman or degrading treatment or punishment.

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

- (a) The establishment of a ten-member Subcommittee on Prevention of Torture as an international body to which each State Party shall allow access to places of deprivation of liberty and provide all necessary information. The Subcommittee shall advise and assist, when necessary, the national preventive bodies in their establishment under the Protocol.
- (b) The establishment of a national body on the prevention of torture.

The body designated as the NPM by the aforementioned ratifying law was the Commissioner for Administration and Protection of Human Rights (Ombudsman).

The main provisions of the Ratifying Law concerning the Commissioner for Administration and Protection of Human Rights are the following:

- The Commissioner is designated as the national visiting body as laid down in the Optional Protocol and shall act in accordance with article 3 of the Protocol.
- In order to fulfil her mandate, the Commissioner shall be authorised to undertake regular visits to places of detention in order to carry out inspections and ensure compliance with the provisions of the Convention.
- During these visits, the Commissioner shall be granted unrestricted access to all the premises of places of detention and shall be entitled to have private interviews with any person the Commissioner deems appropriate. The state competent authorities are obliged to provide the Commissioner with all the information set out in the Protocol.
- After each visit, the Commissioner shall draw up a report with her findings, recommendations and any other advice. Then, each authority in charge of the place of detention is obliged to submit a report on the measures taken on the basis of the Commissioner's report or recommendations.
- The Commissioner shall make recommendations for improving the current legislation and express her views to the House of Representatives on relevant proposed legislations under consideration.
- The Commissioner is required to inform the Attorney General of the Republic of Cyprus and/or the Independent Authority for the Investigation of Allegations and Complaints against the Police of any incidents of human rights violations reported by detainees.

- According to the provisions of the Commissioner for Administration Law, the Commissioner shall have at her disposal all the staff and/or any other additional staff necessary for the fulfilment of her duties. The qualifications and terms of service are set out in the Regulations approved by the Ministry of Council and the House of Representatives.

## **II. Review on the main actions of the National Preventive Mechanism**

- On 12 and 13 March 2018, Officers of the Commissioner's Office participated in the two-day international conference organised by the National Mechanism for the Prevention of Torture in Germany (NPM Germany) entitled "Monitoring Homes for the Elderly" held in Trier.
  
- In the period between May and September 2018, Officers of the Commissioner's Office carried out a number of visits to private Homes for the Elderly in the Districts of Nicosia, Limassol and Larnaka. More specifically, the following visits were carried out:
  - Visit to the Home for the Elderly in Aglatzia on 3 May 2018.
  - Visit to "Megali Oikogeneia" Nursing Home in Dasoupoli on 8 May 2018.
  - Visit to the Larnaka Nursing Home on 10 May 2018.
  - Visit to "Saint Loukas" Home in Aradipou on 10 May 2018.
  - Visit to "Terra Santa" Home in Larnaka on 10 May 2018.
  - Visit to "Saint Nicolas" Home in Limassol on 15 May 2018.
  - Visit to "Ayia Zoni" Home in Limassol on 15 May 2018.
  - Visit to Zakaki Nursing Home on 6 September 2018.
  - Visit to Episkopi Nursing Home on 6 September 2018.
  
- On 5 October 2018, a visit was carried out to the Police Detention Centre of Pera Chorio Nisou.
  
- On 2 November 2018, a visit was carried out by the Commissioner and an Officer of the Commissioner's Office to the Menoyia Detention Centre for Prohibited Immigrants.

- Between 5 and 7 November 2018, an Officer of the Commissioner's Office participated in the two-day workshop organised by the International Ombudsman Institute in Copenhagen entitled "*Strengthening the follow-up to NPM recommendations*".
- On 24 July 2019, a visit was carried out to the Police Detention Centre of Aradipou.
- On 15 July and 6 August 2019, visits were carried out to the Police Detention Centre in Kofinou.
- On 11, 22 and 25 July 2019, visits were carried out to the Athalassa Psychiatric Hospital.
- On 26 July 2019, a visit was carried out to the Police Detention Centre of Ayia Napa.
- On 29 August 2019, a visit was carried out to the Police Detention Centre of Lakatamia.
- On 2 October 2019, a visit was carried out to the Psychiatric Clinic of the Limassol General Hospital.

### **III. Summary of the Mechanism's most important reports and activities**

#### **(A) Visits to Homes for the Elderly**

Some (isolated) incidents of death of people living in Homes for the Elderly as well as complaints received, from time to time, by my Office about the degrading treatment of elderly people living in homes for the elderly gave rise to the visits carried out during the period between May and September.

The visits to the said homes were deemed necessary because of their limited visibility which makes people living there particularly vulnerable to human rights violations, but also because of the particular characteristics of these people, many of which have limited mobility, reduced perception and reflexes.

As part of our duties as the National Mechanism for the Prevention of Torture, visits were carried out by our Officers to nine homes for the elderly in the Districts of Nicosia, Limassol and Larnaka.

The visits revealed the following:

- absence of a formal procedure of admission/consent of the elderly;
- the need for a more in-depth initial, iterative and specific training of people working at these homes;
- absence of personalised care plans;
- use of physical restraint measures;
- inadequate state supervision;
- the need to upgrade/renovate the facilities;
- incomplete keeping of records and personal files of tenants;
- accommodation of mentally ill patients;
- lack of creative activities for tenants.

The recommendations made by the Commissioner to the Ministry of Labour, Welfare and Social Insurance, as the competent authority, on the issues analysed in the report are summarised as follows:

1. Framework on admission procedures, basic rights and framework on operation.
2. Individual care plans.
3. Training on the use of physical restraint in a manner commensurate with dignified treatment.
4. Clear record-keeping procedures.
5. Substantive de-institutionalisation of mentally ill patients and specialisation of staff in the care of these people.
6. Regular staff training and minimum qualification requirements.
7. Creative activities for the elderly living in such homes.

A key recommendation of the Commissioner to the competent authority was to carry out an in-depth study and prepare a proposed legislation on the basis of her recommendations (File No.: **NPM 4.10, 4.11, 4.12, 4.143, 4,14, 4.15, 4.16, 4.17, 4.18, 4.19**) in collaboration with stakeholders and interested representatives, as well as in interdepartmental collaboration among other competent Ministries (e.g. Ministry of Health).

### **(B) Visit to the Police Detention Centre of Oroklini**

B1. The visit to the detention centre of Oroklini Police Station was made on the occasion, inter alia, of an incident of suicide

in the said centre. The visit was carried out by two Officers of the Commissioner's Office at the end of 2017, and the relevant report was submitted to the Minister of Justice and Public Order and forwarded to the Chief of Police in April 2018 (File No.: **NPM 2.17**).

During the visit, the Officers inspected the premises of the detention centre and the files of detainees and had a discussion with the Head of the Station.

There were no detainees in the Station on the day of the visit, as instructions had been issued not to use the cells of the Police Station due to problems with the sewage system, which resulted in a severe odour in the area. The official capacity of the centre is two people (two individual cells), while the Station has been designated as a detention centre for women. Based on the instructions of the Chief of Police, detention in the specific Station should not exceed 48 hours due to lack of an outdoor exercise area/yard time for detainees.

The inspection of the books and files kept in the Station revealed that, in practice, the said area is mainly used for the detention of men while, most times, detention exceeded 48 hours. It was found that, in many cases, detention lasted for a much longer period - from 4 until 8 days.

The visit also revealed that windows inside the cells were covered with iron grids, thus blocking the entry of adequate natural light and natural air for ventilation.

The inspection of the relevant files also revealed that there were cases in which criminal detainees were detained in the same area with people under deportation, while it was found that there were cases, albeit isolated, of women and men being

detained in the detention centre (in different detention facilities) at the same time.

Several of the files inspected did not contain all the documents that should be delivered and signed by detainees at the start of detention, while Detainee Interviewing Forms were incomplete.

It was also found that pharmaceutical treatments are administered to detainees by members of the Police and that in the said detention centre people with disabilities had been deprived of their freedom. Nevertheless, no measures have been taken to ensure the accessibility of people with disabilities and no other reasonable adjustments were made to prevent inequality between detainees with disabilities and detainees without disabilities.

Based on the information revealed during the inspection, the Commissioner concluded that the Detention Centre of the Oroklini Police Station was not suitable for the detention of people who are deprived of their liberty beyond 24 hours, as the conditions of detention, mainly the lack of an outdoor exercise area, were incompatible with the relevant legislation and the international principles for the treatment of detainees and constitute a degrading treatment and violation of the basic rights of detainees.

The Commissioner submitted a recommendation to the Ministry of Justice and Public Order, as the competent authority, to re-examine the operation of the said detention centre and determine the maximum duration of detention based on the conditions of the place. If the use of the said facility is deemed necessary beyond 24 hours, the Commissioner noted that measures should be taken to address the deficiencies identified and to improve the conditions of detention and treatment of

detainees in such a way as to ensure respect of their dignity throughout the entire duration of their detention.

With the submission of the report, the Minister of Justice and Public Order was asked to inform the Commissioner of the actions taken to respond to her recommendations.

**B2.** Actions of the competent authority following the Commissioner's recommendations:

Based on the information received by the NPM, the Cyprus Police took the following measures in order to comply with the Commissioner's recommendations:

- Regarding the duration of detention, a Circular was sent anew by the Chief of Police to members serving in Police Stations with Detention Centres, thereby specifying the Detention Centres which are suitable for detention
  - a) up to 24 hours and
  - b) beyond 24 hours,with instructions in implementing the said Circular.
- The damage to the sewage system of the said Police Station was repaired.
- The existing windows were replaced with sliding windows to provide better access to natural light and ventilation.
- A training seminar entitled "*Rights, Handling of Detainees and Conditions of Detention*" was organised for the members of the Police.
- A request was sent to the Ministry of Health for the training of members of the Police working in places where people are deprived

of their liberty on the basic principles of medicine administration and storage.

- The members of the Police were once again informed about the relevant legislation on informing detainees about their rights and detention rules.
- Instructions were given to the members serving in Police Stations with detention centres regarding the transportation of detainees with disabilities to Detention Centres in other Districts used for the detention of these people.
- The leaflet on the Rights of Detainees was translated in Braille to safeguard the rights of detainees with visual disability. The leaflet was already available in 20 languages.

### **(C) Visit to the Police Detention Centre of Pera Chorio Nisou**

The visit to the Police Detention Centre of Pera Chorio Nisou was made on the occasion of a complaint made regarding the living condition of a detainee in the said centre. The visit was deemed necessary and took place within the duties of the NPM in order to establish the general conditions of detention and safeguard the rights of detainees.

During our visit on 5 October 2018, it was found that the Police Detention Centre of Pera Chorio Nisou, by decision of the Minister of Justice and Public Order under article 3 of the Prisons Law, has been declared as a prison.

During the inspection of the centre/cells, it was found that the windows within the cells were covered with iron grids which significantly

restricted the entry of natural light and prevented the ventilation of the area. The cells had sliding windows, but they would open upon the common (closed) area, resulting in detainees having no access to fresh air. Iron grids as well as a safety glass were also installed on the ceiling of the common areas where detainees exercise, thus preventing natural ventilation of these areas too.

In addition, the detention centre did not provide an outdoor exercise area, thus detainees remained indoors for the entire duration of their detention without any contact with the outside world, natural light and fresh air. The visit also revealed that there were virtually no occupational means within the detention centre. The areas designed for the entertainment and exercise of detainees were almost empty - one table with a few seats, a television and some exercise equipment.

The inspection of the files of detainees revealed that all detainees had access to medical care if and when required. However, a conversation between the Officers of the NPM and the detainees revealed that there was, in some cases, an excessive delay in the transfer of detainees to the hospital or to a physician.

With regard to the visiting area, it was found to be particularly small and included just one desk with a few chairs. In addition, due to the location of this area - adjacent to the office of the members of the Emergency Response Unit - detainees were deprived, to a large extent, of their privacy during visits.

Based on the above observations, the Commissioner concluded that the infrastructure of the Police Detention Centre of Pera Chorio Nisou, operating as a prison, had severe deficiencies and, for this reason, the place could not be deemed as compatible with the basic principles governing the treatment of detainees and the international standards for places of detention.

More specifically, the Commissioner noted that the deficiencies in terms of natural ventilation and natural light of the detention area and, consequently, the lack of proper conditions of hygiene, as well as the lack of substantive occupation and entertainment of the detainees, rendered the place unsuitable for the detention of detainees serving life sentence or months/years of imprisonment.

The Commissioner has, therefore, submitted a recommendation to the Minister of Justice and Public Order, as the competent authority, to take all the necessary measures to ensure natural ventilation and natural light in the detention area and to create an outdoor area to safeguard the right of detainees to exercise at least one hour per day (**NPM 2.07**).

Furthermore, the Commissioner suggested that measures should be taken to provide detainees with creative activities and added that the visiting area should be created in such a manner as to ensure privacy. With regard to the transfer of detainees for medical examinations, the Commissioner has indicated that this should be done in the shortest possible time upon relevant request.

The competent authority is expected to provide information on the follow-up to the Commissioner's recommendations.

#### **(D) Visit to the Police Detention Centre of Aradipou**

As part of the Commissioner's duties in her capacity as the NPM, a first visit to the Police Detention Centre of Aradipou was held on 24 July 2019 in order to inspect the general detention conditions and to ensure that the rights of detainees are safeguarded.

The visit revealed that the infrastructure of the Police Detention Centre of Aradipou presents deficiencies and, for this reason, the place cannot be deemed compatible with the basic principles for the treatment of detainees and the international standards for places of detention. More specifically, the deficiencies in terms of natural light and basic conditions of hygiene render the place incompatible with the basic principles for the treatment of detainees and the international standards for places where people are deprived of their liberty.

Therefore, the Commissioner made the following recommendations on the improvement of treatment and living conditions of detainees:

- Taking measures to ensure natural ventilation of the detention area, modifying in particular the windows in each cell.
- Ending the practice of cleaning the areas of hygiene by detainees and finding alternative ways to ensure their proper hygiene.
- Arranging the entertainment area in order to provide means of entertainment and creative activities, such as television, magazines and books, in case where detainees are detained for an extended period of time.
- Placing the leaflets on the Rights of Detainees and the Detention Centre Rules in each cell, as explained above.
- Ending the detention of criminal detainees in the same area with detainees for purposes of deportation.
- Providing specialised training to the staff in handling detainees and continuous training on matters concerning human rights.
- Finding other solutions to administer pharmaceutical treatments by specialised staff.

On 29 August 2019, the Commissioner, in her capacity as the NPM, submitted a report to the Minister of Justice and Public Order, as the competent authority, pursuant to article 9 of L. 2(111)/2009, expressing her concerns and urging the Minister to take action on the basis of the recommendations contained

therein. The report was also forwarded to the Chief of Police for his information and actions (File No. **NPM 2.14**).

### **(E) Visit to the Police Detention Centre of Kofinou**

The visit from an Officer of the Commissioner's Office, in its capacity as the NPM, to the Police Detention Centre of Kofinou was held on 15 July and 6 August 2019 in order to inspect the general conditions of detention and to ensure that the rights of detainees are safeguarded. These visits were the first to take place in the said detention centre following the completion of works for the creation of an outdoor exercise area (yard time) of detainees.

During the visits, inspections were carried out to all the premises of the detention centre, the files of detainees and the calendar of the Police Station. There were no detainees both on the first and second visit.

The official capacity of the detention centre is 4 persons in individual cells and operates as a detention centre for men detainees only.

The visit revealed that the conditions of detention were satisfactory and that the international standards set by the European Committee against Torture are met.

Both the cells and all common areas of the detention centre were clean during the visits, except that the leaflets on the rights of detainees and the rules of the detention centre were not available in the individual cells as provided for in article 29 of L. 163(I) /2005. Furthermore, according to information provided to the Officer by the police officers on duty at the time

of the visits, the cleaning of cells is carried out by the detainees themselves, a practice contrary to opinion of the Commissioner, as maintaining the cleanliness of the areas of hygiene within detention centres should be the responsibility of the competent authority and not of the detainees who are solely responsible for their own personal hygiene.

It was further revealed that **the outdoor exercise area was constructed in accordance with the recommendations made by the Commissioner** during the construction phase, for which the Commissioner was fully satisfied.

Concluding, the Commissioner made the following recommendations on the improvement of treatment and living conditions of detainees:

- Ending the practice of cleaning the areas of hygiene by detainees and finding alternative ways to ensure their proper hygiene.
- Placing the leaflets on the Rights of Detainees and the Detention Centre Rules in each cell.
- Fully and carefully completing the Detainee Interviewing Form, which constitutes an important tool for the prevention of suicides and/or self-harm.
- Providing specialised training to the staff in handling detainees and continuous training on matters concerning human rights.

On 5 September 2019, the Commissioner, in her capacity as the NPM, submitted a report to the Minister of Justice and Public Order, as the competent authority, pursuant to article 9 of L. 2(111)/2009, expressing her concerns and urging the Minister to take action on the basis of the recommendations contained therein. The report was also forwarded to the Chief of Police for his information and actions (File No. **NPM 2.18**).

## **(F) Visit to the Police Detention Centre of Lakatamia**

The visit to the Police Detention Centre of Lakatamia was scheduled to take place in September 2019. However, following publications on news websites on 29 August 2019 regarding the sudden death of a person detained in the said Detention Centre, a decision was made to speed up the visit which took place on the same day, 29 August 2019.

The Officers of the National Mechanism for the Prevention of Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment (NPM), who visited the Police Detention Centre of Lakatamia, inspected the premises of the Centre and spoke with the Head Police Officer as well as with other members of the Police on duty during the visit.

Due, however, to the fact that an investigation on the above incident was being carried out, the object of the report was limited to the general conditions of detention in the Detention Centre.

On the day of the visit to the Police Detention Centre of Lakatamia, ten people were being detained: nine men (two Cypriot nationals and seven third-country nationals) and one woman, a third-country national. The official capacity of the detention centre is thirty-eight people in individual cells: twenty-five for men, one of which for men with disabilities, nine for women, one of which for women with disabilities and four for teenagers. Each group is in a different wing and there is no communication between detainees in other wings.

The visit revealed that the main detention area consists of individual cells with a bed with sheets, a small desk, a toilet, a basin and a shower of vandal resistance. The sanitary area

within each cell is separated by a low internal wall which obstructs visibility from the staff and ensures the privacy of detainees.

Although the cells do not have windows, there is plenty of natural light following the replacement of the exterior masonry with glass bricks. Furthermore, an opening at the top of the exterior masonry provides fresh air and ventilation of the cells as required by the international standards. This was the result of the implementation of recommendations made from an earlier visit held in 2015.

The place of detention, during the visit, was generally clean and tidy, free from any unpleasant smells. The detention centre provides an entertainment area with an opening on the ceiling, thus allowing natural ventilation and natural light; however, it was found that **the detention centre does not provide an outdoor exercise area**, contrary to the international standards and the recommendations of the European Committee for the Prevention of Torture (CPT) requiring at least one hour of outdoor exercise for each person detained for a period of more than 24 hours.

The visit further revealed that detainees for criminal offences are detained in the same place with administrative detainees (returnees), which is contrary to the international principles for the treatment of detainees stipulating that **persons detained on the basis of a decision of an administrative body solely for the purpose of their return to their country or any other country must be detained in a separate place allowing no contact with persons detained for the purpose of investigating criminal offences.**

The Officers of the Commissioner's Office were also informed that pharmaceutical treatments to persons detained in the Detention Centre are administered by the Police Officers on duty. Medicines are provided by their relatives, together with the relevant medical prescription, or by a physician following their examination before their transfer to the Detention Centre. **The Commissioner in her report disagreed with the said practice** and noted that, based on the last report of the **European Committee for the Prevention of Torture (CPT), published on 26 April 2018 following its visit to Cyprus in February 2017, pharmaceutical treatments should only be administered by qualified medical and nursing staff.**

Based on the foregoing, the Commissioner made the following recommendations on the improvement of treatment and living conditions of detainees:

- **Third-country nationals under detention should be detained separately** from other detainees and be transferred to the Detention Centre for Prohibited Immigrants, if their return is not foreseen or possible within 24 or 48 hours from their arrest.
- Leaflets on the Rights of Detainees and the Detention Centre Rules should be made available in each cell.
- **Arranging the entertainment area** in order to provide means of entertainment and creative activities, such as magazines, books, newspapers and books, and speeding up the necessary works to **create an outdoor exercise area/yard time.**
- Implementation of a specific Plan for detainees with disabilities.
- **Administration of pharmaceutical treatments should only be made by specialised staff.**

The Commissioner's report was submitted on 4 October 2019 to the Minister of Justice and Public Order, as the competent authority, and forwarded to the Chief of Police for their own actions (File No.: **NPM 1.02**).

### **(G) Visit to the Police Detention Centre of Ayia Napa**

A visit to the Police Detention Centre of Ayia Napa was held on 26 July 2019 in order to inspect the general detention conditions and to ensure that the rights of detainees are safeguarded.

The visit revealed that the infrastructure of the Police Detention Centre of Ayia Napa presents deficiencies, in particular **deficiencies in the outdoor exercise area and the visiting area**, and, for this reason, the place cannot be deemed compatible with the basic principles for the treatment of detainees and the international standards for places of detention.

Therefore, the Commissioner made the following recommendations on the improvement of treatment and living conditions of detainees:

- Taking measures to create an outdoor exercise area to safeguard the right of detainees to exercise (yard time) at least one hour per day.
- Arranging the entertainment area in order to provide means of entertainment and creative activities, such as television, magazines and books, in case where detainees are detained for an extended period of time.
- Creating a suitable visiting area.
- Placing the leaflets on the Rights of Detainees and the Detention Centre Rules in each cell.

- Providing specialised training to the staff in handling detainees and continuous training on matters concerning human rights.
- Finding other solutions to administer pharmaceutical treatments by specialised staff.

On 10 October 2019, the Commissioner, in her capacity as the NPM, submitted a report to the Minister of Justice and Public Order, as the competent authority, pursuant to article 9 of L. 2(111)/2009, expressing her concerns and urging the Minister to take action on the basis of the recommendations contained therein. The report was also forwarded to the Chief of Police for his information and actions (File No. **NPM 2.11**).

### **(H) Visit to the Psychiatric Clinic of Limassol General Hospital**

The visit to the Psychiatric Clinic of Limassol General Hospital was held within the Mechanism's visits to state Psychiatric Clinics and on the occasion of a complaint made to the Commissioner's Office by a nurse claiming that the sanitary areas were not suitable for people disabilities.

The visit, which took place on 2 October 2019, was the first visit made to the Psychiatric Clinic of Limassol General Hospital in the Commissioner's capacity as the NPM. The main purpose of the visit was to inspect the material conditions of patients admitted to the Clinic.

To this context, two Officers visited the Clinic and had a meeting with the Chief Nursing Officer as well as with the staff on duty during the visit. General issues surrounding the operation of the clinic were discussed and inspection was carried out to the premises of the Clinic and the patient wards.

First of all, as the Commissioner highlighted in her report, the main objective in examining the material conditions in psychiatric institutions is to **ensure that the conditions of respect for human dignity and for the treatment of mentally ill patients are met.** Therefore, the conditions in places where mentally ill people live should contribute to creating a therapeutic environment in which inhuman or degrading treatment do not occur.

She pointed out that the quality of the services provided should not rely on the efforts of the staff alone but should be directly linked to the financial resources that the State decides to allocate. For this reason, the State should ensure a dignified and therapeutic environment for people hospitalised in psychiatric institutions at all times, even in times of state budget cuts.

A total of 15 persons were hospitalised on the day of the visit - eight women and 7 men. The official total capacity of the clinic is 20 people.

The visit revealed that, **although the patient wards were generally in a good condition, thus complying with the international standards, nevertheless, the wardrobes for the patients' personal belongings were only just a few, many of which were broken.**

Furthermore, the visit revealed that the **sanitary areas**, 4 in total (two toilets for men, two toilets for women and two showers per gender), were **far away from the patient wards** thus **making it difficult, as the nurses reported, for people with disabilities to use them, especially at night.** In addition, the use of the toilets and showers by people with disabilities is difficult due to their construction, and despite the efforts made to enable people with disabilities to use them by

installing a grab bar, this was not made possible to a satisfactory level.

**The visit also revealed that the number of toilets and showers provided is unsatisfactory while their arrangement is problematic, especially for people with disabilities.**

The facilities were found to provide sufficient space per patient, light and air, but the condition of the Clinic, in particular **the arrangement of the premises, was deemed unsatisfactory**, as it strongly indicates its age and inoperability. Due to the arrangement of the clinic's facilities (the building was originally designed for a purpose other than a clinic), **the patient wards are far away from the staff area**, thus creating a problem in monitoring the patients, especially at nights when only two nurses are on duty.

The Commissioner concluded in her report that **the Psychiatric Clinic of Limassol General Hospital requires immediate and substantial improvements in order to comply with the requirements of a modern psychiatric institution** and made the following recommendations:

- **The sanitary areas should be repaired and/or reconstructed to be fully operational and to ensure their use by people with disabilities. Additional sanitary areas should also be constructed to accommodate 20 patients while consideration should be given to constructing these additional sanitary areas near the patient wards in order to better serve the patients.**
- **The patient kitchen cabinets and wardrobes should be replaced and, where necessary, add new ones.**

- In addition, I recommend that **all stakeholders (Mental Health Services, Ministry of Health, Department of Public Works) examine and take all the necessary measures to address the issue of the remote location of the patient wards from the staff area.**
- **Reinforcement of the staffing in patient wards in the evening hours.**
- **Providing continuous training of the staff and ensuring a decent work environment in order to avoid the adverse consequences of performing the difficult task of caring for the mentally ill.**

On 21 October 2019, the Commissioner, in her capacity as the NPM, submitted a report to the Minister of Health, as the competent authority, pursuant to article 9 of L. 2(111)/2009, expressing her concerns and urging the Minister to take action on the basis of the recommendations contained therein. The report was also forwarded to the Head of the Mental Health Services for her information and actions (File No. **NPM 3.02**).

#### **IV. Participation in conferences / trainings / events**

- On 12 and 13 March 2018, Officers of the Commissioner's Office participated in an international conference organised by the National Mechanism for Prevention of Torture in Germany (NPM Germany), together with the Austrian Ombudsman, entitled "Monitoring Home for Elderly, held in the Academy of European Law in Trier.
- On 7 - 9 November 2018, an Officer participated in a workshop for the NPMs entitled "*Strengthening the follow-up to NPM recommendations*" organised by the International Ombudsman Institute (IOI) in collaboration with the Danish Parliamentary Ombudsman in Copenhagen.
- On 21 and 22 February, on 23 May and 7-8 October 2019, Officers of the Commissioner's Office participated in meetings of the European NPM Working Groups, in collaboration with the European Council and the CPT, held in Athens, Nafplio and Rome, respectively, entitled "*Ombudsman/NPM meeting on strengthening the independence and increasing the accountability of the Frontex pool of monitors*".
- On 4-6 November 2019, an Officer of the Commissioner's Office participated in a conference held by APT in Strasburg on the occasion of the 30th anniversary of the European Committee for the Prevention of Torture entitled "IMPLEMENTING SAFEGUARDS IN THE FIRST HOURS OF POLICE CUSTODY".

## **V. Cooperation with National and International Stakeholders**

### **➤ Cooperation with the Police**

The close and good working relationship with the Police continued in the years 2018 and 2019. The National Preventive Mechanism works closely with all Police Departments and, in particular, with the Office of Human Rights, Police Stations and with the Detention Centre for Prohibited Immigrants in Menoyia to provide views and guidance on matters regarding the human dignity of persons deprived of their liberty for criminal or administrative reasons.

The Commissioner, as the NPM, was invited to express her **views on the building design of the new Police Department of Morphou**. In this context, the Commissioner made some important notes on the building requirements to be achieved in order to comply with the international standards for the respect of 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 people with disabilities who might, in the future, be detained in the said place.

On the basis of the notes made by the Commissioner, the Police convened an extended meeting on 11 May 2018 to discuss the recommendations and the practical measures to be taken for their implementation with regard to the new building of the Police Department of Morphou.

The Commissioner welcomed with great satisfaction the measures that are already in place for the implementation of her recommendations.

Regarding the **cleaning of the Detention Area for Prohibited Immigrants in Menoyia**, the Commissioner was invited in 2018 by the Police to express **her views on the recommendation made by the Auditor General** of the Republic of Cyprus that the cleaning of the area be made by the detainees in exchange for a small remuneration within an employment programme instead of the purchase of services as is currently the case. In response to such recommendation, the Commissioner, in her capacity as the NPM, said that such a possibility should be ruled out, as it raises serious issues of compatibility with the international principles for the treatment of detainees and may lead to a violation of fundamental rights, a position with which the Police agreed and the recommendation was thus not implemented.

In 2018 and 2019, the Commissioner was invited to contribute in drawing up the **standards/requirements for the construction of detention centres specially designed for people in need of compulsory care, violent/dangerous detainees or detainees with suicidal thoughts in order to comply with the international and European standards.**

The Commissioner, taking into account the proactive role she is called upon to play regarding possible violations of human dignity, on one hand, and her discretionary duty to make recommendations to the competent authorities, on the other, provided her comments on the matter, which are summarised as follows:

1. The creation of special detention centres-cells seeks to respond to the needs of three different categories of detainees: detainees awaiting completion of their assessment for a possible Court Order on their compulsory admission (under the Compulsory Admission Law),

detainees who exhibit violent/dangerous behaviour towards others, and detainees with suicidal or self-harm thoughts.

2. Therefore, the Commissioner pointed out that, during the design of such special centres, due consideration should be given to the fact that these three categories have distinct characteristics, generate individualised needs with regard to their handling and require special procedures. For this reason, the Commissioner presented her views on each category separately.

3. More specifically, for ***Detainees under assessment for compulsory admission***, the Commissioner said that the matter requires further legal regulation and clarification in collaboration with the competent Minister of Health, taking due account the provisions of the Convention on the Rights of Persons with Disabilities and focusing on fostering an environment that will not deteriorate the mental health of the person awaiting his assessment for a possible compulsory mental health treatment. Further regulation on the matter would also clarify the role which the Police is called upon to play in such cases, as well as the need for special centres designed for the detention of people with mental health issues.

4. For ***Detainees who exhibit violent/aggressive behaviour towards others, the Commissioner expressed the view*** that the use of special centres could ultimately be considered, but such centres should, first and foremost, ensure the safety of detainees from possible self-harm and the proper order in the detention area. Therefore, such places must provide all the technical anti-vandalism and fire safety features, without lagging in size, light and ventilation in comparison to other cells. With regard to the use of these special centres as well as the procedures required to be followed for the admission of detainees, the Commissioner highlighted that relevant and thorough regulation should be made, preferably by adopting relevant legislative provisions or by publishing at least a circular until adoption of a law. First of all, a relevant provision should be made that would provide for the possibility

of a detainee to be placed in this special centre, as well as for the behaviours that such a decision may cause. Furthermore, the procedures to be laid down should determine at least the member of the Police responsible for the decision to place or release a detainee from the special centre, the keeping of a detailed record regarding its use, the maximum period of detention, the detainees' contact rights, medical monitoring during detention, the method of monitoring detainees, the provision of information to detainees on the decision to be placed in a special centre and possible objection to such decision on behalf of detainees.

5. ***With regard to the third category - Detainees who exhibit suicidal or self-harm thoughts*** - the Commissioner referred to the handbook prepared by her Office in collaboration with the Minister of Justice and Public Order entitled "Guiding Principles for Suicide Prevention in prisons and places of detention". The aim of the handbook was to record the necessary procedures, practices and measures to be applied in all detention facilities on handling detainees at risk of suicide or self-harm. Therefore, the said Guiding Principles contain all the procedures which, according to the Commissioner, should be put in place for the assessment, monitoring and handling of these detainees.

6. Finally, with regard to the use of surveillance systems within the special centres for all the categories of detainees, the Commissioner referred to a consultation with the Commissioner for the Protection of Personal Data on the legal parameters of such measure, noting that in no case should the surveillance systems replace the presence and supervision by members of the Police, and the implementation of such measures is justified only provided that other less effective methods have been first exhausted while ensuring at all times their limited, controlled and safe implementation, necessary and proportionate to the intended purpose.

With regard to the cooperation with the Police Stations, it is worth noting that the visit to the detention centre of the Kofinou Police Station (NPM

2.18) in August 2019 revealed that the recommendations made by the Commissioner on the creation of an outdoor exercise area were fully implemented.

➤ **Collaboration with International Organisations**

A videoconference with the Committee Against Torture (CAT) was held on 14 November 2019 attended by all its 10 members (Chaired by Mr Jens MODVIG) and Officers of our Office. This videoconference was held in preparation for the CAT's discussion for the 5th Periodic Report submitted by Cyprus on the implementation of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

On 19 November 2019, a videoconference was held via Skype with the Subcommittee for the Prevention of Torture attended by members of the European Regional Teams and the Officers of our Office. During the videoconference, our Office presented its activities as the National Mechanism for the Prevention of Torture for the last two years between 2018 and 2019.