

ACTION REVIEW 2020

National Mechanism
for the Prevention of Torture
and other Cruel, Inhuman
or Degrading Treatment or Punishment



*National Mechanism
for the Prevention of Torture
and other Cruel, Inhuman
or Degrading Treatment or Punishment*



Review on the Mechanism's Action
for the year 2020

he drawing up of the Review on the Mechanism's action for the year 2020 was contributed to by the staff of the Commissioner for Administration and the Protection of Human Rights' Office, which deals with issues pertaining to the Commissioner's work and actions under her mandate as the National Preventive Mechanism.

Editor: Kyriacos Kyriacou, Katerina Kallitsioni
Editorial Board: Kyriacos Kyriacou, Katerina Kallitsioni
Content: Antonia Kyriakidou, Katerina Kallitsioni, Kyriacos Kyriacou
Copyediting & Proofreading: Kyriacos Kyriacou, Katerina Kallitsioni
Publication Coordinator: Kyriacos Kyriacou, Katerina Kallitsioni
Design-Pagination: Kyriacos Kyriacou, Katerina Kallitsioni
Printing: Government Printing Office

Permission is granted to reproduce the content of this publication free of charge in any form or medium, provided that it is reproduced in an accurate and non-misleading manner.

It is necessary to mention the name of the copyright owner, namely the Commissioner for Administration and Protection of Human Rights and the title of this publication.

If third party material is included, permission must be sought from the relevant copyright holder.

For questions about the publication please contact ombudsman@ombudsman.gov.cy

The Annual Report of the Commissioner for Administration and Protection of Human Rights for 2020 was printed in 700 copies by the Government Printing Office and is available in its full version on the website of the Office at www.ombudsman.gov.cy

© Office of the Commissioner for Administration and Protection of Human Rights



Diagorou 2, 1097 Nicosia



(+357) 22405500, 22405501, 22405556



(+357) 22672881



www.ombudsman.gov.cy



[Επίτροπος Διοικήσεως και Προστασίας Ανθρωπίνων Δικαιωμάτων-Cyprus Ombudsman](#)



[@CYOmbudsman](#)

1. Contents



1. Contents

	<i>Chapter</i>	<i>Page</i>
1. Contents		5
2. Introductory note		9
3. Regulatory Framework/Responsibilities		15
4. Main Actions in 2020		21
5. Major Reports & Interventions		27
6. Information Campaigns		67
7. Other Actions		75
✦ Cooperation with International & European Institutions		77
✦ Indicative references to the work carried out by the Mechanism		78
✦ Cooperation with the House of Representatives		86
✦ Participation in Events/Conferences/Trainings		88

2. Introductory Note

2. Introductory Note by the Commissioner for Administration and the Protection of Human Rights



The right not to be subjected to torture and inhuman or degrading treatment or punishment, as an inalienable characteristic of every human being, and the absolute prohibition of such treatment or behaviour, are indispensable elements of a democratic society.

Torture constitutes, under international law, a crime against humanity that is absolutely prohibited and cannot be justified under any circumstances.

With the advent of the COVID-19 pandemic and from the very first months of 2020, our actions as a National Preventive Mechanism (NPM) have focused on ensuring the rights of all persons deprived or likely to be deprived of their liberty.

To this end, visits to places where persons reside or are accommodated under restriction have been intensified in an effort to prevent any possible limitation of their rights due to the pandemic, to protect them from any inhuman or degrading treatment and to ensure that they enjoy a decent standard of living.

Indicatively, for the past year, the visits to the “Pournara” Reception and Accommodation Centre for Migrants in Kokkinotrimithia, the visits to the Athalassa Psychiatric Hospital, the visits to the Paphos and Aradippou Police Detention Centres as well as a number of visits to the Central Prison are mentioned. In relation to the findings and conclusions arising from these visits (except for those to the Central Prison due to ongoing visits), relevant Reports have been drawn up citing the specific recommendations and suggestions made to each competent authority, the vast majority of which have already been implemented.

2020 was also marked by a Law amendment. In particular, following the initiative and the efforts of my Office to align with the recommendations of the Council of Europe’s Committee for the Prevention of Torture (CPT), the House of Representatives passed L.3(III)/2020 amending L.2(III)/2009 resulting in the Commissioner now being able to conduct visits freely, unhindered and unannounced to any place or places of detention of the Commissioner’s choice.



Maria Stylianou-Lottides

Commissioner for Administration
and the Protection of Human Rights

National Preventive Mechanism

3. Regulatory Framework Responsibilities



3. Regulatory Framework Responsibilities

In 2009, the Commissioner for Administration was given the power to act as the National Body for the Prevention of Torture.

Specifically, the Republic of Cyprus, in addition to ratifying the United Nations Convention against Torture, also ratified the Optional Protocol to the aforementioned Convention by adopting Law 2(III)/2009 of 27 March 2009. The objective of the Optional Protocol was 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.

At international level, a ten-member Subcommittee on Prevention of Torture has been established, to which each State Party shall allow visits to any place where persons are deprived of their liberty and provide all necessary information, while the Subcommittee shall advise and support national preventive mechanisms.

At national level, the National Preventive Mechanism was set up, which was assigned to the Commissioner for Administration because of the independence of the institution.

In particular, under Law 2(III)/2009:

- The Commissioner for Administration is designated as the national visiting body and is authorised to visit any place of detention freely, at regular intervals, with or without written notice, in order to carry out inspections and ensure compliance with the provisions of the Convention. During the Commissioner's visits, the latter shall be granted unrestricted access to all the installations and facilities of each place of









detention and shall be entitled to have private interviews with any person the Commissioner deems appropriate.

- The competent authorities of the State are obliged to provide the Commissioner with the information set out in the Protocol.
- The Commissioner for Administration may submit recommendations and reports to each authority in charge of a place of detention, and the competent authority must subsequently submit a report on the measures taken on the basis of the Commissioner's report or recommendations.
- The Commissioner for Administration is empowered to make recommendations for improving the current legislation and to express her views to the House of Representatives on relevant proposed bills under consideration.
- The Commissioner for Administration shall inform the Attorney General of the Republic and the Independent Authority for the Investigation of Allegations and Complaints against the Police of any incidents of human rights violations by detainees.
- By virtue of the provisions of the Commissioner for Administration Law, the Commissioner shall have at her disposal all the staff and/ or any additional staff required to fulfil her duties. The qualifications and terms of service of the officers are set forth in Regulations approved by the Council of Ministers and the House of Representatives.


In 2020, following the Commissioner's initiative and efforts to align with the recommendations of the Council of Europe's Committee for the Prevention of Torture (CPT), the House of Representatives passed Law 3(III)/2020 amending Law 2(III)/2009 and the ***Commissioner can now conduct visits freely, unhindered and unannounced to any place or places of detention of her choice.***


4. Main Actions in 2020

4. Main Actions in 2020


-  *On 14 February, a visit was carried out to the Aradippou Police Station.*
-  *On 25 February, a visit was carried out to the Athalassa Psychiatric Hospital.*
-  *On 26 February 2020, a visit was carried out to the temporary detention facility at Larnaca International Airport.*
-  *Commissioner's intervention, dated 26 March 2020, concerning measures to prevent the spread of COVID-19 in places where persons are deprived of their liberty or confined.*
-  *On 9 April 2020, a visit was carried out at the "Pournara" Reception and Accommodation Centre for Migrants in Kokkinotrimithia.*
-  *On 23 April 2020, an Officer of the Commissioner's Office participated in the webinar organised by the Association for the Prevention of Torture (APT), on "Monitoring places of detention and Do no Harm Principle: from theory to practice".*
-  *On 20 May, 27 May and 3 June 2020, an Officer of the Commissioner's Office participated in a webinar held by Ludwig Boltzmann Institute of Human Rights on «Monitoring Prison Violence», in the framework of the project for European NPMs "Working towards harmonised detention standards in the EU - the role of NPMs".*
-  *On 17 June 2020, an Officer of the Commissioner's*


Office participated in the 41st SPT online session which was attended by National Preventive Mechanisms' representatives.


 *Commissioner's statement dated 26 June 2020 on the occasion of the International Day in Support of Victims of Torture.*


 *Ex-officio statement dated 11 August 2020 on measures to be taken regarding Homes for the Elderly to address the spread of the COVID-19 pandemic and the post-COVID-19 era.*


 *On 1 September 2020, a visit was carried out to the Paphos Police Detention Centre.*

 *Statement regarding the detention of a third-country national under deportation at the Paphos Police Detention Centre, dated 3 September 2020.*

 *On 15 September, another visit was carried out to the Athalassa Psychiatric Hospital.*

 *Statement, dated 7 October regarding the withholding of a wheelchair belonging to a mobility-impaired person by a Home for the Elderly until payment of fees.*

 *A total of 9 visits were carried out to the Central Prison between October and November 2020.*

 *On 4 December 2020, another visit was carried out to the "Pournara" Reception and Accommodation Centre for Migrants in Kokkinotrimithia.*

5. Major Reports & Interventions

5. Major Reports & Interventions

✿ *Visit to Athalassa Hospital*

Between July 2019 and February 2020, visits were carried out to the Athalassa Hospital in the framework of the responsibilities of the Commissioner for Administration as the National Preventive Mechanism. The visits, which were carried out by Officers of the NPM, were prompted by complaints received by the Office from time to time with reference to the living conditions at the Athalassa Psychiatric Hospital, as well as by media reports, particularly in relation to the facilities that date back to 1964.

During the visits, the wards destined for (male and female) patients with acute and chronic mental illnesses were inspected, while patient files and medical records were also inspected. However, no interviews were conducted with persons residing at the hospital, as this required specialised staff (psychologists, psychiatrists) to handle and assess patients during the interviews.

The Report recorded the increasing trend in the admission of patients to the Athalassa Hospital for psychiatric treatment. Specifically, in 2019, an increase of 34.6% and 7.7% in admissions of men and women respectively was observed compared to 2018, while admissions now amount to more than two persons per day on average.

The facilities at the Athalassa Hospital were found to provide sufficient space per patient, light and air. However, the condition of the premises clearly indicated the age of the building and as noted, their overall

appearance certainly needed to be improved. Inter alia, a lack of adequate equipment was noted, as well as of elements of interior decoration resulting in an environment lacking of any visual stimuli.

From inspecting the patients' individual files, it was observed that they were kept with care, while it was found that, in accordance with the recommendations of the European Committee for the Prevention of Torture, logbooks were kept for the purpose of recording incidents of restraint (chemical restraint, "Special Monitoring" room).

Specifically, with reference to the staff and the staffing of the Hospital in general, it was noted that after the departure of the Medical Practitioner/ Physician from the Hospital, this position remained vacant thus creating operational problems.

The Commissioner expressed her strong concern about the fact that the female Psychiatric Intensive Care Unit (PICU) does not have any specially designed outdoor space resulting in the patients remaining inside the ward for almost the entire duration of their stay. She noted that international standards for the treatment of persons deprived of their liberty require at least one hour of suitable exercise in the open-air every day.

Additionally, the Commissioner stated that informing patients about their rights is a basic prerequisite in order for them to be able to exercise them. For this reason, she pointed out that the information form available at the hospital should be revised or updated and, where possible, provided to each patient upon admission.

As a positive development, the decision and the commitment of the stakeholders to proceed with the construction of new premises at the Athalassa Hospital (Phase A), as well as the repair/ renovation of existing premises was noted. To this end, the Commissioner recommended in her Report that the concerned services proceeded expeditiously in carrying

out the necessary works for the renovation/ repair of the premises of the Psychiatric Hospital.

At the same time, she recommended the continuation of the cooperation of the competent Bodies/ Ministries for the establishment of a modern therapeutic environment, which shall be in line with international principles of dignified treatment and the requirements of providing adequate care for the health of the mentally ill.

In relation to the specific issues analysed in the Report, the Commissioner suggested the following:

- As part of the upcoming improvement works, the competent authority should take steps to decorate the interior areas in order to contribute positively to the psychology of both patients and staff.
- Ensuring the right of patients to daily outdoor exercise for at least an hour, except in exceptional cases where it is significantly judged that the patient's condition does not allow it.
- Taking measures for the creation of an outdoor area near the female PICU. Until then, it becomes urgent and necessary to find a temporary solution to ensure the right of patients to exercise outdoors on a daily basis.
- Filling, as soon as possible, the position of medical practitioner (physician) to avoid any unnecessary suffering of the hospital's patients.
- Continuation and identification of ways to improve the practice of record keeping (logbooks) in cases of placement of patients in the "Special Monitoring" room, as well as in cases of physical restraint.
- Reviewing or updating the document listing the patients' rights and responsibilities and providing it, where possible, to each patient upon admission to

the hospital.

- Scheduling additional recreational and therapeutic events to meet the individual needs of patients.
- Continuous training of staff and ensuring a decent working environment.

The **Report**¹ was submitted to the CEO of the State Health Services Organisation, as the competent authority on 28 February 2020 and was communicated for information purposes to the Minister of Health (File N° NPM 3/2020).



¹ NPM 3/2020 dated 28 February 2020

Implementation of Recommendations/ Suggestions

In order to inform the National Preventive Mechanism when it comes to complying with the recommendations of the Commissioner for Administration, the Director of the Mental Health Services' Directorate in a Letter dated 6 May 2020, stated, inter alia, the following:

- *The construction of the male and female PICUs and the Addiction Treatment Unit to be included in the new Mental Health Centre has been approved and the procedures for the commencement of the first phase of construction have been advanced.*
- *A fund for upgrading needs was included in the 2020 budget, while additional appropriations were requested through a supplementary budget to reach the amount required to commence the second phase of the upgrade in 2020, as the first phase of construction.*
- *A number of improvement works were promoted (painting, roof repair, renovation of sanitary facilities, etc.), some of which were completed and others were initiated, in order to provide better living conditions until the new premises are constructed.*
- *Efforts are being made to create a fenced courtyard in the female PICU, while patients of the Rehabilitation Unit can, with the permission of the attending physician, step outside the Unit and move around the fenced area of the Hospital.*
- *The services of the GP who visited the Hospital were terminated and patients no longer had access to a GP but instead visited, accompanied by nursing staff, the Accident and Emergency Department or the outpatient clinics of the Nicosia General Hospital. Consequently, they were exposed to the risk of virus transmission, while additional staffing needs were created. In view of the emergency situation imposed and the need to prevent the spread of the COVID-19 virus, the Ministry of Health has requisitioned a GP to cover the needs of the Hospital. Nevertheless, a permanent solution is required.*
- *Paintings were placed to decorate the interior space of the PICUs, but due to the condition of the patients, it was deemed necessary to remove them for safety reasons and place them in another Hospital Unit. However, the possibility of painting murals to add colour to and revive the PICUs as to contribute to the creation of a positive therapeutic environment is being considered.*
- *The patient rights form shall be updated and translated into other languages and given to all patients upon admission to the hospital.*

✿ *Visit to Athalassa Hospital in view of the COVID-19 pandemic*

The visit, which took place on 15 September 2020, aimed, inter alia, to ascertain the situation at the Athalassa Hospital in view of the pandemic, following relevant complaints from mental health nurses working at the Hospital pertaining to (a) understaffing and the absence of a GP, (b) overcrowding of wards resulting in the placement of additional beds in a particular ward and the discharge of patients before their treatment was completed, (c) non-compliance with health protocols in relation to the prevention of transmission of the COVID-19 virus in that newly admitted patients were placed in pairs in the same room before the results of the COVID-19 tests were announced. As a result, there was an imminent risk of spreading the virus if one of the two patients was eventually tested positive for the virus.

The following recommendations have been made on the basis of the findings and conclusions of the on-site visit:

- *Overcrowding:* The presence of additional beds in certain wards is not fully in line with the required space for each patient as defined in international standards and this problem cannot be addressed in any other way than by the constructing new premises.
- *Patients with dual diagnoses:* They constitute the largest proportion of admissions to the Hospital and the issue shall be addressed with the construction of the new premises. The urgent need for strict and uncompromising adherence to the timetables set for the construction of the new premises and/ or the expedition of the commencement of construction works has therefore been clearly emphasised.

- *Availability of medicines:* Despite having a budget for their procurement from pharmacies in the private sector, it was recommended (a) to review the existing framework for securing them by means of abbreviated procedures from the Pharmaceutical Services, both for the purpose of saving nursing staff man-hours and possibly cost and (b) to have a Pharmacist present on a permanent basis in the Hospital, thus ceasing to be dependent on the General Hospital's Pharmacy.
- *Staffing:* Measures should be taken as soon as possible to meet the staffing needs of the Hospital, namely, by filling the vacant Psychiatrist positions and placing a sufficient number of newly recruited Nurses in the Hospital, hiring the services of a GP and a Social Worker and reviewing the request for the placement of resident physicians. Hiring the necessary staff for the Hospital shall contribute to the provision of more adequate and of better quality services for patients, such as immediate access to a physician and medical care at all times and the possibility of accompanying them outdoors for their daily one-hour exercise or yard time.
- *Premises and entertainment:* In addition to the construction of new premises, it should be considered to decorate the existing ones possibly with murals/ paintings as part of the renovation works being carried out. New equipment for recreational purposes can be installed, if this is deemed safe, and a new programme should be drawn up for the entertainment of patients both indoors and, where possible and if health conditions permit it, outdoors.
- *Patient rights form:* Expedite its update and translation into foreign languages so that it can be provided to patients upon admission to the hospital.

The relevant *Report*² was submitted on 16 September 2020 to the CEO of the State Health Services Organisation as the competent authority responsible for the actions to be taken, and was communicated, for information purposes, to the Minister of Health, the Minister of Transport, Communications and Works and the Director of Mental Health Services (File N° NPM 3/2).

In relation to compliance with the recommendations contained in the Mechanism's Report, the Director of the Directorate of Mental Health Services informed the Commissioner of the following:

- Regarding the staffing of the hospital, the State Health Services Organisation (SHSO) has approved the allocation of three additional Psychiatrists. Furthermore, the hiring of thirteen additional Mental Health Nurses and the need for the presence of a GP and additional resident physicians at the Athalassa Hospital has been promoted.
- A small outdoor area has been created near the female PICU.
- Regarding the presence of a pharmacist on-site, a request has been forwarded to the SHSO for approval and the relevant space to host the pharmacy has been found.
- The process of updating the patient rights form is currently being completed and shall be followed by the translation of the form into other languages.

² NPM 3/2 dated 16/09/2020

❖ *Intervention concerning the preventive measures implemented to curb the spread of COVID-19 at the Kokkinotrimithia and Kofinou Centres³*

This Intervention was carried out on the basis of the Commissioner's dual mandate as the National Human Rights Institution and the Mechanism for the Prevention of Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment.

For the purpose of monitoring the alignment of the living conditions of all residents of the "Pournara" Reception and Accommodation Centre for Migrants in Kokkinotrimithia, with the safeguarding of the core of human rights and fundamental freedoms during the implementation of the measures taken to prevent the spread of the COVID-19 virus, as well as following the decree issued by the Minister of Health, dated 8 April 2020, aiming at combatting the spread of the COVID-19 virus, which stated that persons entering and living in reception and accommodation centres are not allowed to leave/ exit, an on-site visit to the Centre was deemed imperative in order to inspect the living conditions of residents whose movements were restricted.

The on-site visit to the "Pournara" Reception and Accommodation Centre for Migrants in Kokkinotrimithia to inspect the living conditions of all residents in the context of the implementation of the measures taken to prevent the spread of the COVID-19 virus and make sure that the core human rights and fundamental freedoms of the persons accommodated there are not violated, took place on 9 April 2020.

Based on the information received from the on-site visit, in writing and in person by the Minister of Interior and

³ NPM 2/2020

the officers in charge of the centre, as well as from private conversations with residents of the Centre, it was established that:

- “Pournara” Centre was built to accommodate 500 people. However, due to a particular increase in migration flows, rapid expansions have been made recently resulting in the centre now being able to accommodate up to 1000 persons. The centre in Kofinou had a capacity of 400 beds, while based on the further expansions being promoted, the number of beds shall rise to 600.
- “Pournara” Centre hosted 567 people, occupying about half the space of the Centre, including 51 people who had been transferred from hotels. Of these 51 people, 8 were found to belong to vulnerable groups, and were transferred immediately, with the exception of one of them who was placed separately, due to the fact that he is considered to be extremely dangerous.
- All minors were immediately transferred out of the centre. However, those who claimed to be minors but appeared to be adults were left at the centre.
- Age assessment was carried out during the interviews conducted upon arrival. However, interviews were temporarily suspended due to the measures.
- Efforts were being made to configure the area where interviews are held by setting up protective covers, in order to protect the health of both the centre’s residents and staff.
- Due to the fact that the construction work, undertaken within the framework of the expansion phase, had not been completed in a certain area of the centre, mud was formed around some tents as a consequence of accumulated rain water.

NATIONAL PREVENTIVE MECHANISM

- The mud observed was reported to have resulted from the rain that fell the night before, and it made it difficult for residents directly affected to stay there.
- The area, which was particularly muddy, was designated as a quarantine area where the newcomers to the centre were taken and remained for 14 days.
- Most of the women lived in prefabricated, specially designed houses, separately from men. However, some of these were empty and works were expected to be carried out for their completion.
- Due to the diversification of migratory flows, the centre had been divided in such a way that the guests lived separately by nationality, in order to avoid any problems that might arise due to their different traditions and for the purpose of better service.
- The different areas were separated by an asphalt road. White gravel was observed in some areas where tents were placed, whereas soil was observed in others.
- Upon discussion with some of the residents it came up that the main issue of concern was the build-up of mud when it rained since in some of the tents no white gravel had been laid down to serve as protective flooring.
- The Centre features specially designed prayer areas to cover the needs of all 567 residents since they hail from several different countries and their origin and religious beliefs vary greatly.
- There is a specially designed outdoor area that serves as a playground, the surroundings of which are covered in asphalt.
- No children were present at the centre since as part

of a vulnerable group they had been transferred with their mothers in other places of accommodation such as hotels.

- Due to the expansion of the centre, additional needs arose in sanitary facilities and electricity. 50 special lanterns were delivered for the tents that did not have electricity supply. However, they were not enough to cover the needs of all tents. It should be noted that additional lanterns had been ordered and were expected to be delivered.
- The centre was supplied with electricity in general, while electricity was also now supplied to the internal expansion of the Centre. Floodlights had been installed in all areas of the centre and around the perimeter.
- Free Wi-Fi and charging stations are available throughout the centre.
- The installation of additional sanitary facilities (chemical toilets and showers) was also completed.
- In each of the two specially designed quarantine areas at the two centres (“Pournara” and Kofinou), toilets, prefabricated showers and sinks were installed.
- At “Pournara” Centre, 12 filtered water taps were installed for the uninterrupted supply of drinking water to the residents.
- In relation to access to health care at “Pournara” Centre, the most serious issue they face in relation to residents is when it is discovered upon admission that someone suffers from TB or Ebola.

Since the outburst of the COVID-19 pandemic, strict hygiene measures have been observed at the Centre, including measuring the temperature of all those entering the centre, disinfecting all tents and public areas and hand sanitisers being placed throughout the centre. Information on the pandemic has been given by means of leaflets translated into the native language of the residents, while instructions have been given orally. All residents have been administered with personal protective equipment and when a suspected case is detected, that person is transferred to a specially designed quarantine area to stay overnight until transferred the following day to the State Hospital for further examinations. Finally, there is a GP available every other day as well as two nurses who provide their services on a 24-hour basis.

In relation to the Kofinou Accommodation Centre, the Head Officer of the Centre informed us that a risk assessment and management plan had been prepared in line with the instructions of the Ministry of Health and the World Health Organisation (WHO), on the basis of which an action plan for protection against the COVID-19 virus was formulated and implemented, which included specific daily procedures and actions such as the provision of all residents with personal protective gear.

Furthermore, any person who came into contact with a possibly infected person was isolated in a specially designed quarantine space and underwent a temperature screening on a daily basis, written announcements were posted providing instructions on how to prevent the spread of the virus in languages spoken by both the residents and staff, basic hygiene rules were observed, disinfection of common areas was carried out daily, while new arrivals at the accommodation Centre were asked to provide the relevant Health Certificate proving they were not infected with the virus. Additionally, food was distributed in sections of ten persons in closed disposable containers, all entrants to the Centre underwent a temperature screening and only

those who worked there were allowed to enter. Visitations were suspended, the medical staff of the Centre systematically conducted medical checks on vulnerable groups, while in the event of a suspected case, the same protocol was followed as in the case of “Pournara” centre.

The *Report*⁴, after referring to the recommendations of international bodies such as the United Nations Network on Migration, the United Nations High Commissioner for Refugees (UNHCR) and the Council of Europe's Committee for the Prevention of Torture (CPT), the European Commission against Racism and Intolerance (ECRI), the European Union Agency for Fundamental Rights (FRA) and the Commissioner for Home Affairs of the European Union, as well as relevant case-law of the European Court of Human Rights (ECtHR), also set forth the following submissions:

- It was imperative that the completion of the construction works for the expansion and configuration of the Centre be expedited in order to render it fully functional.
- Priority should be given to the not paved with gravel area where water is accumulated around and through some tents, to ensure that all residents live in dignity and without any discrimination.
- In view of the need to intensify medical checks and the increasing number of people arriving to the Centre, the presence of a GP on a daily basis is deemed necessary.
- Measures should be taken to allow for interviews to be conducted either by alternative means at the appropriate distance where feasible, or with the use of plastic dividers so that the interviews are conducted in a safe way.

⁴ NPM 2/2020 dated 23/04/2020

- Conducting interviews in a safe way is necessary as to determine/assess/calculate the age of persons claiming to be minors, so that no minor as a person belonging to a vulnerable group is forced to remain at the centre.
- While it is understandable that there is currently difficulty in taking fingerprints as part of the asylum application process for irregular migrants, due to the measures taken against the spread of the virus, this should be done as soon as the measures are lifted. In the meantime, no undocumented migrant should be left without shelter, food or necessary medical care.
- All tents should have adequate lighting so the remaining special lanterns should be delivered as soon as possible.
- Monitoring for the identification of vulnerable groups should be continuous so that their transfer out of the centre is carried out in time. Moreover, residents and newcomers should be constantly informed on personal hygiene and protection measures that should be taken to deal with and curb the spread of the virus, while the hygiene and disinfection measures already followed should be intensified.
- “Pournara” Centre should not be allowed to become overcrowded, bearing in mind that its conversion from a reception centre to a closed accommodation centre only occurred in the wider context of taking measures to combat the virus, which were of temporary nature from the outset.
- With regard to the Kofinou accommodation centre, nursing staff must be increased as to be available on a 24-hour basis, while an increase in the hours of a GP being present at the centre is also imperative.

- Under no circumstances should any person be denied exit to meet needs that cannot be met in the centre, which may be related to health and humanitarian reasons.



As noted, any measure that extends beyond its temporary and absolute necessary nature and is disproportionate to the objective of protecting public health, is an arbitrary measure and should be immediately lifted. Therefore, as soon as the restrictive measures are lifted under no circumstances should persons continue to live in tents, which were intended for temporary use only.

The Intervention of the Commissioner, as the National Human Rights Institution and the Mechanism for the Prevention of Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, was submitted on 23 April 2020 to the Minister of Interior, the Minister of Health, the Minister of Justice and Public Order, as well as the Minister of Labour, Welfare and Social Insurance in order to take appropriate action (File N° 10/2020 & NPM 2/2020).

Implementation of Recommendations/ Suggestions

Following the submission of the relevant Report, the Commissioner was informed by the Ministry concerned that steps had been taken to comply with the recommendations contained in the relevant Report, including the completion of the ground grading at “Pournara” Centre where water was being accumulated during rainfall, the resumption of interviews via videoconferencing and the creation of a specially designed area in the centre in order for the interviews to take place in the physical presence of all parties, the provision of all tents with lanterns, the provision of information to the residents on measures to prevent the spread of COVID-19 and the disinfection of all areas.

◆ *Ex-officio Intervention, regarding the adoption of measures to prevent the spread of the COVID-19 virus in places where persons are deprived of their liberty or confined*

The ex-officio **Intervention**⁵ underlined that protective measures that ought to be taken in places where persons are deprived or likely to be deprived of their liberty, such as police detention facilities, penitentiary institutions, immigration detention centres, psychiatric hospitals and social care homes, as well as facilities where persons infected with the virus are placed in quarantine, should never result in inhuman or degrading treatment of persons deprived or likely to be deprived of their liberty. To this end, the principles announced by the Council of Europe's Committee for the Prevention of Torture (CPT) on 20 March 2020 were adopted in full and the competent authorities were invited to take the appropriate measures to implement them.

As noted by the Commissioner, the Council of Europe's Committee for the Prevention of Torture (CPT) has communicated to Member States a set of Principles that should be applied by all competent authorities responsible for persons deprived of their liberty or confined, which within the framework of her responsibilities as the National Mechanism for the Prevention of Torture and Other cruel, Inhuman and Degrading Treatment or Punishment, she has adopted fully and consequently brought to the attention of those responsible for their implementation.

The said Principles are as follows:

- Taking all possible action to protect the health and safety of all persons deprived of their liberty. Taking such action also contributes to preserving the health and safety of staff.

⁵ NPM 1/2020 dated 26/03/2020

NATIONAL PREVENTIVE MECHANISM

- WHO guidelines on fighting the pandemic and national health and clinical guidelines consistent with international standards must be respected and implemented fully in all places of deprivation of liberty.
- Staff availability should be reinforced and staff should receive all professional support, health and safety protection as well as training necessary in order to be able to fulfil their tasks.
- Any restrictive measure taken vis-à-vis persons deprived of their liberty should have a legal basis and be necessary, proportionate, respectful of human dignity and restricted in time.
- Persons deprived of their liberty should receive comprehensive information in a language they understand about any such measures.
- Concerted efforts should be made by all relevant authorities to resort to alternatives to deprivation of liberty. Such an approach is imperative, in particular in situations of overcrowding.
- Authorities should make greater use of alternatives to pre-trial detention, commutation of sentences, early release and probation; reassess the need to continue involuntary placement of psychiatric patients; discharge or release to community care, wherever appropriate, residents of social care homes and refrain, to the maximum extent possible, from detaining immigrants.
- As regards the provision of health care, special attention should be paid to the specific needs of detained persons, with particular regard to vulnerable groups and/ or high-risk groups.
- Detained persons should receive additional psychological support from staff at this time.

- The fundamental rights of detained persons during the pandemic must be fully respected.
- In cases of isolation or placement in quarantine of a detained person who is infected or is suspected of being infected by COVID-19, the person concerned should be provided with meaningful human contact every day.
- Fundamental safeguards against the ill-treatment of persons in the custody of law enforcement officials (access to a lawyer, access to a GP, notification of custody) must be fully respected in all circumstances and at all times.
- States should continue to guarantee access for monitoring bodies to all places of detention, including places where persons are kept in quarantine.

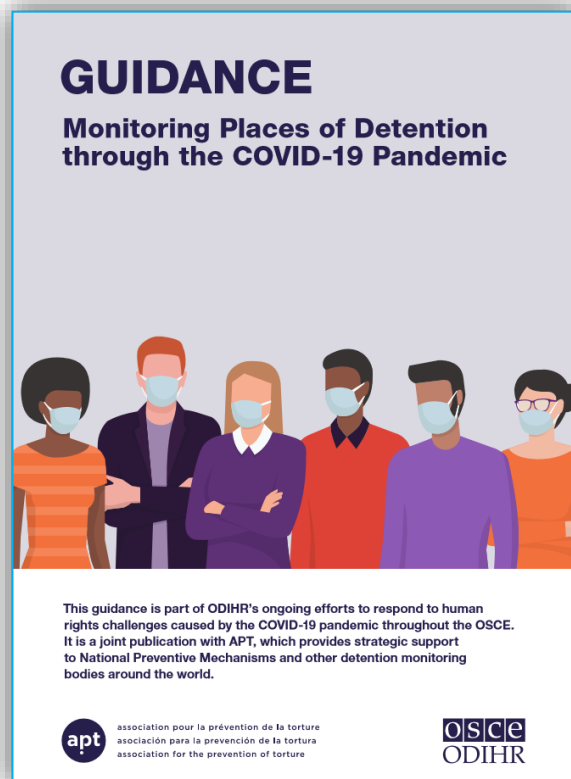
This Intervention was submitted on 26 March 2020 to the Minister of Justice & Public Order, the Minister of Health and the Minister of Labour, Welfare and Social Insurance to take appropriate action (NPM 1/2020).

Implementation of Recommendations/Suggestions

Following the Commissioner's intervention, the Ministry of Justice and Public Order amended the relevant Law, resulting in a number of detainees benefitting from early release from the Central Prison, a number of detainees being placed under the Open Prison scheme, and a number of detainees serving the remainder of their sentence at home, under electronic monitoring (trackable bracelet).

This intervention was welcomed by the *Association for the Prevention of Torture (APT)* and was included as an example of good practice in the practical guidance elaborated on how NPMs can continue their monitoring functions to address the challenges posed by the pandemic. The said guidance

bears the title “*Guidance: Monitoring Places of Detention Through the COVID-19 Pandemic*”, and makes explicit reference to the National Preventive Mechanism of the Republic of Cyprus.



[Guidance: Monitoring Places of Detention through the COVID-19 Pandemic \(2020\)](#)

“...CURRENT PRACTICE – ADDRESSING OVERCROWDING

In March 2020, in its capacity as NPM, the Cyprus ombuds institution addressed a letter to the Ministry of Justice and Public Order, the Ministry of Health and the Ministry of Labour, Welfare and Social Insurance.

The statement contained a list of guidelines and specific

recommendations, in accordance with the CPT's Statement of Principles, relating to the treatment of persons deprived of their liberty in the context of the COVID-19 pandemic and requested the government to adhere to them.

Following the letter, the Ministry of Justice proceeded to amend the relevant law and, as a result, 137 detainees received early release from the Nicosia Central Prison. A number of detainees were placed under the Open Prison Scheme, while others started serving the remainder of their sentence at home, under electronic surveillance/monitoring (trackable bracelet).

These measures contributed significantly to the decongestion of the overcrowded prison facility...".

◆ *Statement on the occasion of the International Day in Support of Victims of Torture*

In her **Statement**⁶ of 26 June 2020, on the occasion of the International Day in Support of Victims of Torture, the Commissioner noted that torture is, under international law, a crime against humanity that is absolutely prohibited and cannot be justified under any circumstances. This prohibition is binding on every member of the international community, regardless of whether a State has ratified international treaties in which torture is explicitly prohibited.

This day, she stated, in addition to marking the beginning of an effort, at universal level, for the effective implementation and functioning of the Convention and the total eradication of all forms of torture, is, according to the UN, "*an opportunity to call on stakeholders everywhere to unite in support of the hundreds of thousands of people around the world who have been victims of torture and those who are still tortured today*".

⁶ NPM 3 /2020 dated 26/06/2020

The Commissioner pointed out that the action of the National Preventive Mechanism not only aims, inter alia, to minimise the incidents of abuse of persons deprived or likely to be deprived of their liberty, but also to improve the conditions of detention. Focusing on prevention, its multi-level actions range from visits to police detention centres, Central Prisons, accommodation facilities for third-country nationals, homes for the elderly and care homes, and psychiatric hospitals, to information, training and awareness-raising activities for both non-governmental organisations and state bodies.

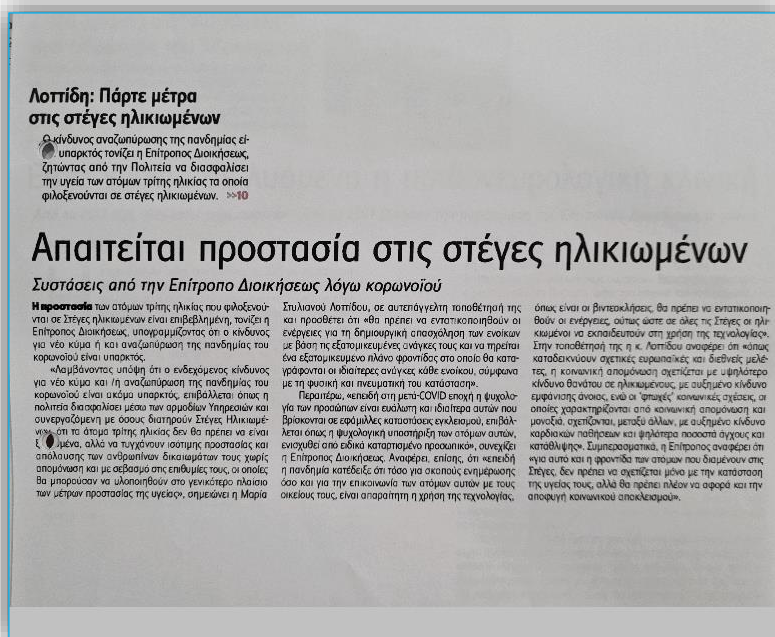
In her Statement, the Commissioner voiced that, due to the COVID-19 pandemic, people deprived or likely to be deprived of their liberty in places of detention are more vulnerable to the risk of being subjected to cruel, inhuman and/or degrading treatment. The main concern of the Mechanism during this period has been and continues to be the close and systematic monitoring of this issue through visits and interventions (NPM 3/2020).

✿ *Ex-officio statement on measures to be taken in relation to homes for the elderly to address the spread of the COVID-19 pandemic and the post COVID-19 era*

The Commissioner noted that the restrictive measures implemented at homes for the elderly and social care homes, unavoidably resulted in the further social isolation of persons residing in such premises, since contact with the outside world and their relatives became even more difficult or even impossible throughout the implementation of these restrictive measures.

The care of persons living in homes for the elderly should not only be related to their state of health, but should also concern the avoidance of social exclusion, their well-

being and dignity. The State, through the competent authorities' cooperation with the owners of these homes for the elderly, must take measures to ensure the equal protection and enjoyment of human rights of the persons living there.



It was suggested to implement measures so that the residents of these homes be engaged in creative activities, based on their individuals needs and to implement an individualised care plan in which the specific needs of each resident are taken into account, according to their physical and mental condition.

Additionally, it was suggested that residents receive further psychological support by specially trained staff, especially in the post-COVID-19 era, and also receive training/ support in the use of technology for information and socialisation purposes, through specialised programmes to be implemented by the management of each such home.

The *Ex-officio Statement*⁷ was submitted to the competent Minister of Labour, Welfare and Social Insurance on 11 August 2020 and communicated to the Minister of Health. (File N° NPM. 4/2020 and E0/I 892/2020).

Implementation of Recommendations/Suggestions

In accordance with the information received by the National Preventive Mechanism, in order to comply with the recommendations of the Commissioner for Administration, the Ministry of Labour, Welfare and Social Insurance has taken the following measures:

- *Social Welfare Services have forwarded a letter on 28/12/2020 to all owners/ managers/ administrators of Care Homes and Homes for the Elderly with relevant recommendations as per the Commissioner's suggestions.*
- *The Deputy Ministry for Research, Innovation and Digital Policy in cooperation with CYTA has provided 115 tablets to all State and Community 24-hour care facilities, while free internet services (Wi-Fi) have been upgraded or installed in these facilities.*
- *In the period between December 2020-January 2021, approximately 600 inspections were carried out in Care Homes and Homes for the Elderly by the competent services of the Ministry of Health and the relevant protocols for dealing with the pandemic, as well as the rights of the persons accommodated in these facilities.*

⁷ NPM 4/2020 & E0/I 892/2020 dated 11/08/2020

◆ *Statement regarding the detention of a third country national under deportation at the Paphos Police Detention Centre*

The main subject of the **Statement**⁸, which was made on the basis of the Commissioner's dual responsibilities as the National Human Rights Institution and the National Preventive Mechanism, was the decision of the Police to transfer a third country national to the Paphos Police Detention Centre instead of the Menoyia Detention Centre for Illegal Immigrants, despite his will to the contrary, as expressed through the complaint lodged by his spouse, as well as by him in a relevant meeting he had with an Officer of the Commissioner's Office.

It is noted that prior to his release from the Central Prison, the complainant entered into a Civil Partnership Agreement with a Cypriot citizen, who, at the time in question, was serving a prison sentence.

In her Statement, the Commissioner noted that she did not fail to recognise that the decision to transfer the person in question to police custody and not, as it should have been, to the Menoyia Centre, may have been taken for the purposes of his protection, as the competent authority had indicated. However, that did not detract from the fact that he was an administrative detainee, who should have been transferred to the said Centre, taking into account his own will.

The Commissioner noted, inter alia, that balancing security issues with human rights and the dignity of detainees is often a challenge for the State. The basic principles in this regard require the State to respect the dignity of the person and not to interfere by its acts or omissions in the safe space that ensures both the non-violation of fundamental rights and their protection.

⁸ NPM 5/2020 dated

In this case, as the Commissioner mentioned, any restrictions on individual rights on the basis of practical grounds could not be accepted, and apart from the general plea of his own safety, there did not appear to be any other factor taken into account to influence the decision.

From the evidence brought to the Commissioner's attention, it appeared that the authorities were not concerned with the application of the principle of proportionality and there did not appear to be any specific factors that would justify the complainant's further detention in police custody rather than in the Menoyia Centre.

After reference was made to the recommendations of international bodies, such as the Council of Europe's Committee for the Prevention of Torture (CPT) on the detention of persons subject to deportation and the Council of Europe's Committee of Ministers on measures to combat discrimination on grounds of sexual orientation or gender identity, as well as the Yogyakarta Principles plus 10, on the application of International Law in relation to sexual orientation and gender identity and the case-law of the European Court of Human Rights (ECHR), the Statement was submitted to the Minister of Justice and Public Order and the Chief of Police on 4 September 2020 with the following recommendations:

- All appropriate measures for the transfer of the complainant to the Menoyia Centre should be taken, after ensuring that his detention there would be carried out under appropriate circumstances for him in the light of proportionality and after taking into account the principles in relation to the detention of LGBTI persons.
- Furthermore, the reasons for the detention of another seven administrative detainees who were in police detention instead of the said Centre, deprived of facilities provided for in the centre for undocumented immigrants as administrative detainees, should also be reviewed. (File N° EO 21/2020 and NPM 5/2020).

✿ *Visit to the Paphos Police Detention Centre*

The visit to the Paphos Police Detention Centre on 1 September 2020, by an Officer of the National Preventive Mechanism (NPM), was the second visit to be carried out. The previous one occurred on 3 October 2014.

One of the purposes of the visit was to verify the degree of compliance with the recommendations made in the NPM's Report deriving from the first visit, with the aim of improving the conditions of detention and ensuring the rights of detainees.

Moreover, the visit to the Paphos Police Detention Centre was deemed necessary following a complaint lodged with the Office regarding the living conditions of a particular person who was detained in that place pending the execution of his deportation order.

During the visit, the Officer of the Commissioner's Office inspected all detention areas and detainee files kept and spoke with those in charge of the detention facility. Personal interviews with detainees were also conducted.

Based on the findings, the Commissioner, as the National Preventive Mechanism, made the following recommendations regarding the improvement of the conditions of detention and treatment of detainees in the Paphos Police Detention Centre:

- Immediate termination of the practice of detaining people subject to deportation with criminal detainees and that any person detained for this purpose be transferred to the Menoyia Centre if his deportation is not scheduled to take place or cannot be effected within 48 hours from the time of his arrest.
- Extended access of detainees to phone calls with relatives and possibly access to video calls, due to

the suspension of visits.

- Detainee Interview Forms to be filled out completely and with diligence when interviewing detainees.
- Immediate repair of defective cell doors to ensure the protection of detainees and staff.
- The document enumerating the rights of detainees together with the regulations governing the detention centre should be posted in each cell.
- Configuration of the entertainment area and provision of means of entertainment and creative activities.
- To check the plumbing/ drainage infrastructure of the detention centres, as well as all other existing problems/ damages in the cells and take any corrective measures required.
- Putting an end to the practice of sanitary facilities being cleaned by detainees.

The *Report*⁹ was submitted to the Minister of Justice & Public Order, as the competent authority, pursuant to Article 7 of Law 2(III)/2009, on 24 September 2020, for consideration and action to be taken. Further, this Report has been communicated to the Chief of Police for information purposes and any action he may take (File N° NPM 2.15)


According to the information received by the National Preventive Mechanism, in order to comply with the recommendations of the Commissioner for Administration, the Cyprus Police has taken the following measures:

- Conclusion of a maintenance contract for the plumbing installations of the detention centres, so that regular preventive checks are carried out and specialised technicians are readily available to

⁹ NPM 2.15 dated 24/09/2020

repair faults. In addition, the Electrical and Mechanical Service has been asked to purchase equipment which shall be readily available to address any problem encountered.

- Awarding a bid to a private company to repair the defective cell doors and replace the remaining locks.
- Supplying the detention facilities of the Paphos Central Police Station, as well as all Police Detention Facilities throughout the country, with a number of books and board games for the detainees.
- With regard to the detainee interview form, written instructions were given to the members of the detention facility in question to complete it carefully and thoroughly. In addition, lectures were given to staff on the appropriate management of and respect for the rights of detainees and the correct and appropriate completion of the relevant forms.
- Preparation of a sufficient number of copies of the document enlisting the Rights of Detainees and the Regulations governing the Detention Centres to be posted in all cells and replaced in case of destruction.
- Extended access of detainees to telephone calls and communication with lawyers, representatives of diplomatic missions, friends, at any time of the day.
- Re-briefing of officers and members serving in Police Stations with Detention Centres on the implementation of the instructions given on the issue of cleanliness in detention centres.
- The possibility of converting the Women's Wing of the Paphos Police Station's detention facilities into an Administrative Detainees' Wing is under consideration.

 *Statement regarding the withholding of a wheelchair belonging to a mobility impaired person by a Home of the Elderly until payment of fees*

The **Statement**¹⁰ was submitted in response to a complaint lodged with the Office by the spouse of a mobility impaired person against the manager of a Home for the Elderly, where the said person had been staying, who had informed the family that she would not hand over his wheelchair until after the payment of outstanding fees.

Therefore, the main issue in question was whether it was legitimate to withhold equipment (mobility aid) deemed necessary for a mobility impaired person in order to move around and thus to exercise further rights, for the purpose of settling financial disputes.

As indicated, this is blatantly unacceptable and should not be tolerated under any circumstances. It constitutes an affront to both the dignity and autonomy of the person. Additionally, due to the extortionate and intimidating nature of this measure, the person who is deprived of the means necessary for his/ her mobility may experience feelings of anxiety, insecurity, humiliation and inferiority. It is therefore not impossible that such treatment may be of a level of severity sufficient to be considered degrading treatment.

Further, the obligation to respect human rights lies not only with the state but also with all persons who have to refrain from any action that may harm a fellow human being. A greater responsibility lies with the managers of accommodation facilities that care for persons with disabilities, due to the increased needs and vulnerability

¹⁰ Statement NPM 7/2020 dated 7 October 2020

associated with disability. Hence the decision of the manager of the aforementioned facility to withhold for three days the wheelchair of the complainant, punitively depriving him of his autonomy, constitutes an affront to his dignity and reflects the responsibility of the Social Welfare Services. The said Services while having been informed of the incident, failed to proceed to any observations, suggestions or recommendations to the facility involved. Furthermore, they do not appear to have reflected more widely on the matter, so as to issue relevant guidelines and instructions to all the homes for the elderly under their supervision.

Based on the above, it was recommended that the Social Welfare Services proceed with relevant information, awareness raising and guidance of both the Welfare Officers who carry out inspections in the said Care Homes and the managements and staff of the Homes, especially in relation to the rights of persons with disabilities which are protected by the relevant UN Convention. Compliance with the Convention and the recommendations of the Committee for the Prevention of Torture should be monitored.

Moreover, it was recommended to proceed without further delay with the adoption of the pending bill, which is also recommended by the Committee for the Prevention of Torture, expecting that the new legislation shall be fully harmonised with the provisions of the Convention on the Rights of Persons with Disabilities.

 *Visit to the “Pournara” Reception and Accommodation Centre for Migrants in Kokkinotrimithia*

The purpose of the visit was, on the one hand, to ascertain the progress of the implementation of the Commissioner's previous recommendations and, on the other hand, to ascertain in person the material living conditions of the persons residing at the centre and whether they were in line with international standards and guaranteed the safeguarding of their human rights and fundamental freedoms.

It was found that the centre was inundated with people and that this overcrowding was inevitably having an impact on the residents and the full enjoyment of their human rights.



In particular, persons who met the conditions for leaving the centre remained there as a result of the provisions of the Infectious Diseases (Determination of Measures to Prevent the Spread of the COVID-19 Coronavirus) Decree. Consequently, problems arose in terms of the smooth transfer

of persons from the quarantine areas to the main part of the centre where living conditions in the huts are highly improved. Hence the guests in isolation/quarantine areas were facing serious problems with regard to sanitary conditions, and there was a risk of further spread of the COVID-19 virus, since once the 14 days of quarantine had elapsed they had to remain in that area due to lack of space in the main area of the centre.

Furthermore, the assembly of the existing prefabricated houses to replace the tents was pending, and the conditions in the quarantine area where the virus positive persons were housed were not in line with international standards and health protocols, as 23 persons were served by only one toilet and had no access to a shower/bathroom, while the lack of and/or total lack of electricity supply in the isolation/quarantine areas further aggravated the situation of the centre's residents.

It was also found that persons belonging to vulnerable groups, such as pregnant women, potential victims of trafficking, unaccompanied minors or alleged minors and persons with disabilities were residing at the centre.

Pournara 'bursting at seams'

Ombudswoman says
some of those in camp
need to be moved

By Staff Reporter

AMID an increased flow of migrants, compounded by the coronavirus outbreak, Pournara reception centre for asylum seekers is bursting at the seams, and despite some improvement in living conditions, the facility is

posals, and to determine whether living conditions there comply with international standards and safeguard human rights.

Measures have been taken in the right direction, such as replacing a large number of tents with prefab houses, creating a safe zone for minors and speedier processing



In view of the above, the following recommendations were made:

- Residents who meet the conditions for leaving the centre should be granted permission to leave immediately.
- Immediate arrangements for the transfer outside the centre of unaccompanied minors who were ready to be transferred to other facilities but who, because of the Decree, were still being accommodated at the centre.
- Ensuring a safe zone for those unaccompanied minors who were in quarantine areas.
- Immediate assessment of the needs of all residents of the centre belonging to vulnerable groups, including unaccompanied minors, for their immediate transfer to appropriate facilities outside the centre, as well as preliminary medical screening upon entry of people to the centre.
- Expedition of actions for the operation of a second purpose-built quarantine area (accommodation) outside the Centre, to which virus positive persons residing in the Centre shall be transferred.
- Persons who have completed 14 days in quarantine and are negative to the virus shall be transferred immediately outside the quarantine area and specifically to the main area of the Centre.
- Immediate actions to be taken to ensure uninterrupted electricity supply to all areas of the centre and consideration of alternative ways to ensure full electricity supply in case of further delay in the operation of the EAC substation.

- Replacement, within the next few days, of the tents with the existing but dismantled prefabricated houses and implementation of the necessary ground grading to avoid the problems encountered in the quarantine areas during periods of heavy rainfall.
- Increase in the number of sanitary facilities, in particular in the quarantine/ isolation areas, while the issue of uninterrupted hot water supply needs to be addressed.
- A GP needs to be present at the centre on a daily basis and the number of nurses is to be increased. The problem observed regarding medicine shortages and the delay in issuing health cards to residents is to be solved.

The **Report**¹¹ was submitted on 9 December 2020, to the Ministers of Interior and Health and was communicated to the Director of Social Welfare Services for coordination, and consideration of all possible measures to be taken as to implement the recommendations (File N° EO 27/2020 and NPM 6/2020).



¹¹ NPM 6/2020 dated 9 December 2020

6. Information Campaigns



6. Information Campaigns

COVID-19 & Ανθρώπινα Δικαιώματα



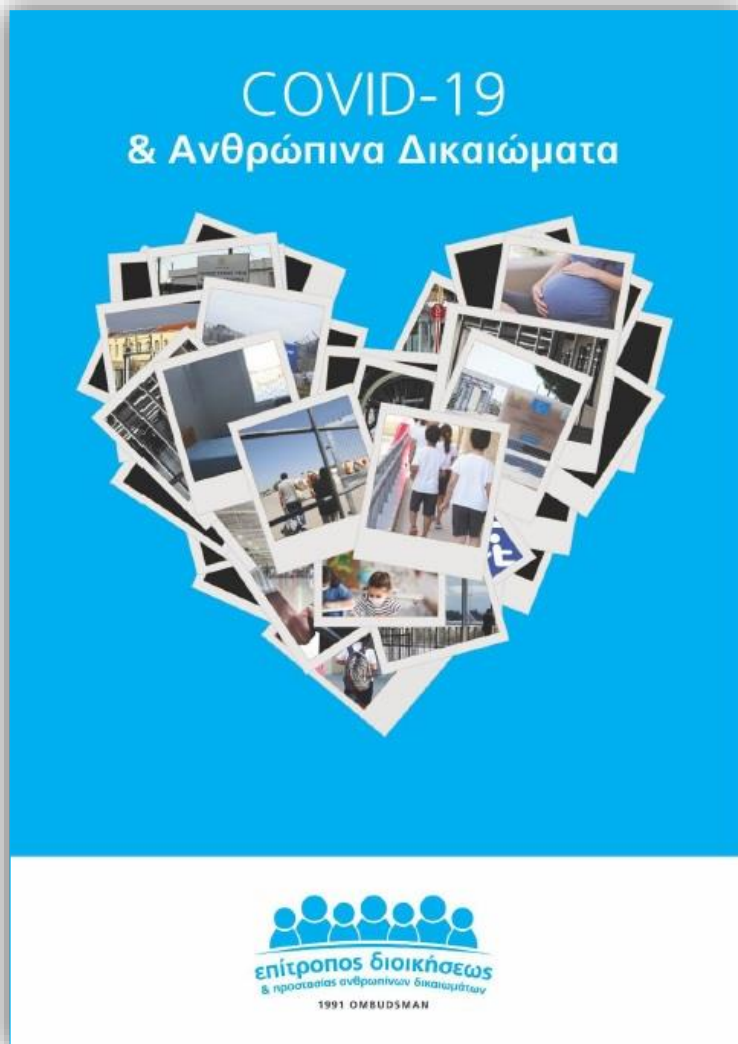
With the advent of the COVID-19 pandemic in Cyprus and the restrictions imposed by the State to prevent its spread, our Office, as a human rights defender, undertook to intervene and prevent any possible violation of human rights.

With the above in mind, since last March, our Office has been conducting an Information and Awareness Campaign on COVID-19 and the protection of human rights.

To this end, a [special website](#) has been created on our Office's website, including links containing all the necessary information on the COVID-19 pandemic, as well as our interventions on COVID-19 and its impact on human rights in general.

Further, from the beginning of the pandemic to date, we have proceeded to a number of interventions by making specific recommendations to mitigate the adverse effects observed mainly on vulnerable groups of the population both as the National Human Rights Institution (NHRI), as an Equality and Anti-Discrimination Body (EQUALITY BODY), as the Mechanism for Monitoring the Implementation of the UN Convention on the

Rights of Persons with Disabilities and as the National Preventive Mechanism (NPM), which have been consolidated in [a special publication](#) in order to constitute a handy tool for information and assertion of rights.



A significant percentage of these Interventions were submitted within the framework of the Commissioner’s responsibilities as National Preventive Mechanism and/ or in combination with other competences of the Commissioner and are briefly mentioned below, since they are referred to more extensively in *Chapter 5 “Major Reports & Interventions”*.



Intervention/ information on measures to prevent the spread of COVID-19 in places where people are deprived of their liberty or confined as the National Mechanism for the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (26 March 2020)

Report on the preventive measures to curb the spread of the COVID-19 virus in the Kokkinotrimithia and Kofinou Centres as the National Independent Human Rights Institution & the National Mechanism for the Prevention of Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment (23 April 2020)



Ex-officio Statement on the adoption of measures to address the spread of the COVID-19 pandemic and the post-COVID-19 era concerning the Homes of the elderly as the National Mechanism for the Prevention of Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment (11 August 2020)

Report on the visit carried out to Athalassa Hospital on 15 September 2020 as the National Mechanism for the Prevention of Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment (16 September 2020)



Report on the visit to the "Pournara" Reception and Accommodation Centre for Migrants in Kokkinotrimithia, dated 4 December 2020, as the National Mechanism for the Prevention of Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment & as the National Human Rights Institution (9 December 2020)

7. Other Actions

7. Other Actions

Cooperation with International Organisations

The Commissioner, on 13 May 2020, had a meeting with the representative of the UNHCR Office in Cyprus, Ms Katja Saha Savarimuthu and her colleagues, during which they discussed the report submitted to the Minister of Interior regarding the "Pournara" Reception and Accommodation Centre for Migrants in Kokkinotrimithia and the Accommodation Centre for Asylum Seekers in Kofinou and the expected developments.



During the meeting, the Commissioner, in her capacity as National Human Rights Institution and National Preventive

Mechanism, informed the UNHCR representatives of the response to the aforementioned Report as received from the Minister of Interior in relation to the partial implementation of and compliance to the actions recommended therein as preventive measures to curb the spread of the COVID-19 virus in these centres.

The UNHCR representatives conveyed to the Commissioner their concerns as a number of issues had come to their attention regarding the situation in the Kokkinotrimithia and Kofinou Centres and an exchange of views took place regarding the possible challenges that may arise following the easing of the restrictive measures.

Indicative references the work of the Mechanism

- *Association for the Prevention of Torture (APT)*

Guidance: Monitoring Places of Detention through the COVID-19 Pandemic (2020)

“...CURRENT PRACTICE – ADDRESSING OVERCROWDING

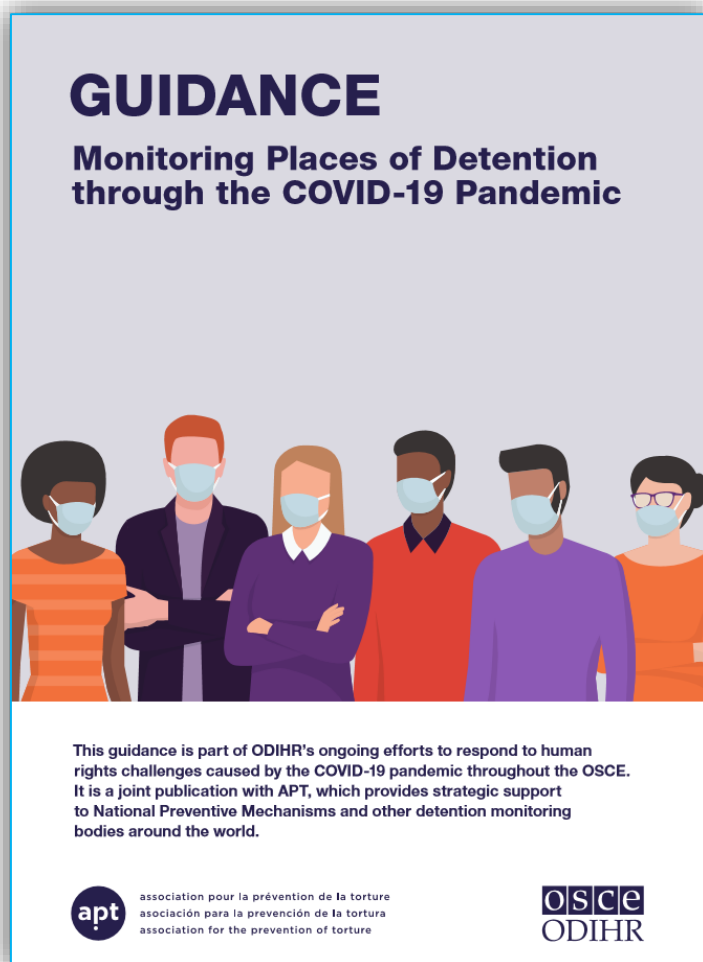
In March 2020, in its capacity as NPM, the Cyprus ombuds institution addressed a letter to the Ministry of Justice and Public Order, the Ministry of Health and the Ministry of Labour, Welfare and Social Insurance.

The Statement contained a list of guidelines and specific recommendations, in accordance with the CPT’s Statement of Principles, relating to the treatment of persons deprived of their liberty in the context of the COVID-19 pandemic and requested the government to adhere to them.

...the Ministry of Justice proceeded to amend the relevant Law and, as a result, 137 detainees received early release

from the Nicosia Central Prison. A number of detainees were placed under the Open Prison Scheme, while others started serving the remainder of their sentence at home, under electronic surveillance...

These measures contributed significantly to the decongestion of the overcrowded prison facility..."



- *European NPM Forum*

European NPM Newsletter March – April 2020

“...On 26 March 2020, the Cyprus Ombudsman, in her capacity as NPM, addressed a letter/statement to the Ministry of Justice and Public Order, to the Ministry of Health and to the Ministry of Labour, Welfare and Social Insurance. The statement contained a list of guidelines and specific recommendations, in accordance with the CPT’s Statement of Principles and requested the ministries’ adherence to them. Following the Ombudsman’s letter/statement, the Ministry of Justice proceeded with amending the relevant Law and, as a result, 137 detainees obtained early release from the Nicosia Central Prison...

...A number of detainees were placed under the Open Prison Scheme, while others started serving the remainder of their sentence at home, under electronic surveillance/monitoring (bracelet). These measures contributed significantly to the decongestion of the overcrowded prison...

In her capacity as the Independent Mechanism for the Promotion of the UN Convention on the Rights of Persons with Disabilities, the Ombudsman issued a statement dated 3 April 2020, regarding the access of persons with disabilities to information on the COVID-19 pandemic. The statement was forwarded to the relevant ministries, that also oversee psychiatric institutions and social care homes.

On 9 April 2020, the Cyprus NPM also conducted a visit to the Kokkinotrimithia Temporary Migrants Reception Centre, to observe how the measures to contain the spread of the COVID-19 were being implemented and how the exercise of fundamental rights of persons deprived of their liberty was ensured under these circumstances...

... following a written communication between the Cyprus NPM and the Director of Immigration Services, two persons who

were arrested under the Alien's Legislation, were released from custody, under specific terms...

...Despite the fact that there was only one case of coronavirus reported in places of detention, the Cyprus Ombudsman, in her capacity as NPM, shall continue monitoring the entire situation and propose to the relevant administration any measures that need to be taken...".

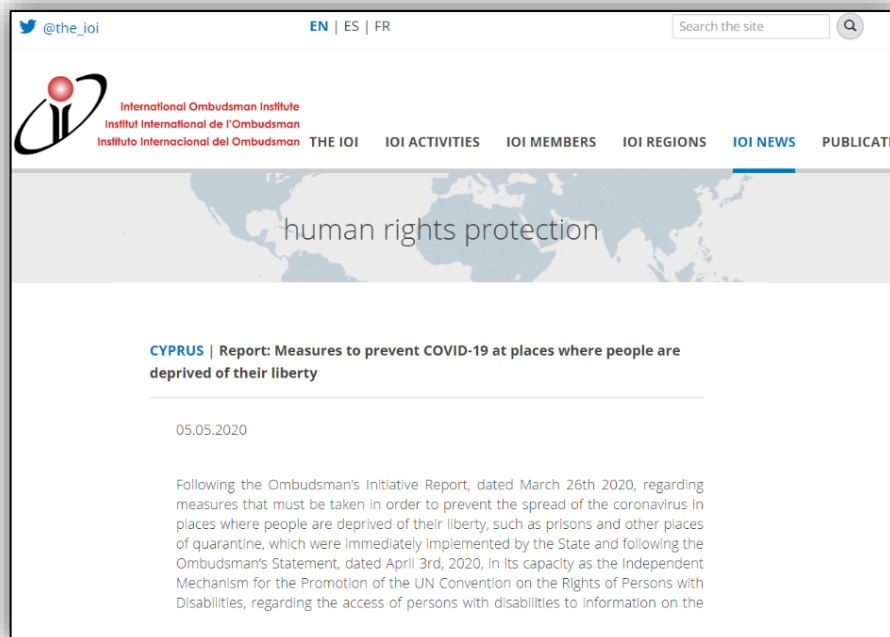


- [International Ombudsman Institute \(IOI\)](#)

[Report: Measures to prevent COVID-19 at places where people are deprived of their Liberty](#)

"...a visit to the "Pournara" Reception and Accommodation Centre for Migrants in Kokkinotrimithia (for Applicants for International Protection) was deemed necessary, in order to review the living conditions of all residents, with respect

to the preservation of their fundamental rights and freedoms, in light of the measures taken to combat the spread of the coronavirus...”



▪ *European Network of Equality Bodies (Equinet)*

Equinet's Responce στο COVID-19

“...The Commissioner, under her authority as the Cyprus National Preventive Mechanism (NPM), published a Statement...containing a list of guidelines and specific recommendations, based on the CPT Principles regarding the treatment of persons deprived of their liberty in the context of the COVID-19 pandemic...

The Commissioner, in the framework of her responsibilities as National Human Rights Institution (NHRI) and National Preventive Mechanism (NPM), visited the Reception and

Accommodation Centre for Migrants in Kokkinotrimithia, to observe the implementation of measures taken to curb the spread of coronavirus and ensure the fundamental rights of persons deprived of their liberty in these circumstances...”

The screenshot shows the EQUINET website interface. At the top, there is a navigation bar with the EQUINET logo and the text 'European Network of Equality Bodies'. Below this, there are tabs for 'COVID-19 response', 'Equality Bodies', 'Equinet', and 'Equality in Europe'. The main heading is 'EQUINET'S RESPONSE TO COVID-19'. Below the heading, there are two links: 'COVID-19 Blog' and 'NEBs data on COVID-19'. A paragraph of text explains that the EQUINET database is now closed and will remain available for research from March 2020 to April 2021. It also mentions that EQUINET has used the information for a perspective and factsheet. Below the text, there are three dropdown menus for 'Country', 'Type', and 'Grounds', with 'Cyprus', 'All', and 'All' selected respectively. Below the filters is a table with the following data:

Country	National Equality Body	Type	Grounds	Complaints, requests for info and ex officio procedures
Cyprus	Commissioner for Administration and the Protection of Human Rights	Action		Our Institute has launched an Awareness Campaign about and a special site has been created in our website with link about COVID-19 pandemic, as well as our Institution's inter and its impact to human rights in general. Link in Greek an

- *European Network of National Human Rights Institutions (ENNHRI)*

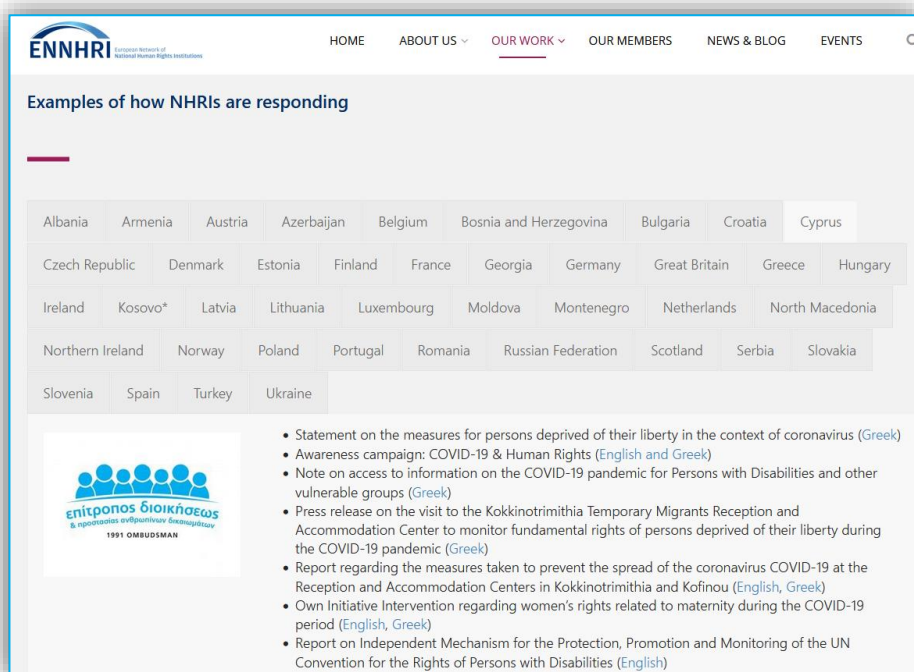
Examples of how NHRIs responding to COVID-19

“...Statement on the measures for persons deprived of their liberty in the context of coronavirus...”

...Visit to the Kokkinotrimithia Reception and Accommodation Centre for Migrants to monitor the fundamental rights of

persons deprived of their liberty during the COVID-19 pandemic...

...Statement regarding measures taken to prevent the spread of COVID-19 at the Reception and Accommodation Centres in Kokkinotrimithia and Kofinou...”.



▪ *Commonwealth Forum of National Human Rights Institutions (CFNHRI)*

Cyprus - Respect for rights of prisoners and people in detention

“...The Commissioner for Administration and the Protection of Human Rights has issued a statement on the measures taken for persons deprived of their liberty in the context of coronavirus.

Despite considering the measures to contain the spread of

COVID-19 necessary, she stresses that fundamental rights of prisoners during the pandemic must be fully respected, with particular attention to vulnerable groups.

She also notes that states should continue to guarantee access to Monitoring Mechanisms in all places of detention...".






Cooperation with the House of Representatives

Each year the Commissioner is invited to attend meetings of the Parliamentary Committees in order to express her views on legislative provisions or issues pertaining to her responsibilities.

In 2020, the Commissioner and/or Officers of the Commissioner's Office participated, within the framework of the Commissioner's responsibilities as the National Preventive Mechanism, in the following meetings of the Parliamentary Committees:

Committee on Human Rights and Equal Opportunities for Men and women

-  On 22 June 2020, Officers participated in a meeting of the Committee on Human Rights and Equal Opportunities for Men and Women, during which the situation at the Accommodation centre for Asylum Seekers in Kokkinotrimithia was discussed.
-  On 29 June and 7 September 2020, Officers participated in meetings of the aforementioned Committee, during which they were briefed on the operation of the penitentiary institution.
-  On 7 September 2020, an Officer participated in a meeting of the Committee of Human Rights and Equal Opportunities for Men and Women, during which the Officer was briefed on the operation of the penitentiary institution and the need to take measures for the social reintegration of detainees.

- ✿ On 19 October 2020, an Officer participated in a meeting of the said Committee during which the Officer was briefed on the work of the Council on Conditional Release (parole).
- ✿ On 9 and 23 November 2020, the Commissioner for Administration and Protection of Human Rights together with an Officer participated in a meeting of the Committee of Human Rights and Equal Opportunities for Men and Women, during which the topic “The Prisons (Amendment)(No.2) Law 2020” was discussed.

✿ *Committee on Foreign and European Affairs*

- On 5 February 2020, the Commissioner for Administration and the Protection of Human Rights and an Officer of the Commissioner’s Office participated in a meeting of the Committee on Foreign and European Affairs, during which the “Amending Law of 2019 ratifying the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems” was discussed.
- On 1 December 2020, an Officer participated in a meeting of the aforementioned Committee, during which the “Law of 2020 ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Optional Protocol)” was discussed.

Participation in events/conferences/trainings

- 23 April 2020, an Officer of the Commissioner's Office participated in the webinar organised by the Association for the Prevention of Torture - APT, on *"Monitoring places of detention and Do no Harm Principle: from theory to practice"*.
- On 20 May, 27 May and 3 June 2020, an Officer of the Commissioner's Office participated in the web meetings held by the Ludwig Boltzmann Institute of Human Rights, on «Monitoring Prison Violence», in the framework of the project for European NPMs, *"Working towards harmonized detention standards in the EU - the role of NPMs"*.
- On 17 June 2020, an Officer of the Commissioner's Office participated in the 41st online session of the Subcommittee on Prevention of Torture (SPT), which was attended by representatives of the European National Preventive Mechanisms (NPM).



30
ΧΡΟΝΙΑ



Επίτροπος διοικήσεως
& προστασίας ανθρωπίνων δικαιωμάτων

1991 OMBUDSMAN