



# Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.: General  
19 November 2019

Original: English

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## Committee against Torture Sixty-eighth session

### Summary record of the 1792nd meeting

Held at the Palais Wilson, Geneva, on Friday, 15 November 2019, at 10 a.m.

*Chair:* Mr. Modvig

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(*continued*)

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*The meeting was called to order at 10 a.m.*

**Consideration of reports submitted by States parties under article 19 of the Convention** *(continued)*

*Fifth periodic report of Cyprus (CAT/C/CYP/5; CAT/C/CYP/QPR/5)*

1. *At the invitation of the Chair, the delegation of Cyprus took places at the Committee table.*
2. **Ms. Christodoulidou-Zannetou** (Cyprus) said that the continuing illegal occupation of one third of the country's territory had posed the most serious obstacle to the enjoyment of human rights in Cyprus since 1974. Regrettably, the Government was not in a position to ensure compliance with human rights treaties or to apply its human rights policies and laws in the occupied territory.
3. Since the submission of the fifth periodic report in 2018, further legislation had been enacted or proposed to improve the country's immigration, asylum and anti-trafficking policies. Amendments had been made to the Law on the Rights of Arrested and Detained Persons to ensure that the rights of detainees were respected in accordance with European and other international standards. Various non-governmental and international organizations carried out inspections of places of police detention, which included interviews with detainees, and all detained persons were informed of their rights through a document that was available in 18 languages. An internal affairs service had been set up in 2019 to combat corruption within the police force.
4. In July 2019, the anti-trafficking law had been amended to strengthen measures to prevent and prosecute trafficking offences. Penalties for such offences had been doubled, and life imprisonment could be imposed for trafficking in children. Employing the services of trafficking victims was punishable by up to 10 years' imprisonment and/or a fine of €50,000, even if the perpetrator had been unaware that the affected person was a victim of trafficking.
5. The Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment had commended Cyprus for its human rights-based approach to prison reform and for its improvements to prison conditions. The country had also received recognition for its prison education programmes, which followed the general education curriculum up to the tertiary level and which included vocational training. Three quarters of inmates received classes. Prisoners were granted additional contact with the outside world through unlimited daytime telephone calls and open visits for all detainees. An academy for prison staff had been set up and the budget for workshops and courses in Cyprus and abroad had been increased in order to enhance the professionalism of staff and help prevent ill-treatment and torture. Those measures had earned the praise of representatives of the Council of Europe and, according to the European Centre for Disease Prevention and Control, the reforms had contributed to the prevention of suicides, self-harm, ill-treatment and violence among prisoners. Legislation passed in 2018 had made it easier to access the Parole Board and apply for conditional release, which allowed prisoners to spend time in the community under supervision using an electronic monitoring system. Legal provisions establishing alternative punishments to imprisonment were currently under consideration.
6. Cyprus had established a mechanism for monitoring all stages of the forced return procedure to ensure that migrants were treated in a dignified manner. Alternatives to detention were used in cases where returned migrants were unlikely to return to the country. In such cases, migrants were asked to provide an address and to present themselves at their nearest police station at regular intervals. The detention of migrant children was expressly prohibited, and they were entitled to an education and to health and social care regardless of their parents' migration status. Since 2014, if one of the child's parents was detained for entering the country illegally, the other parent could not be deprived of liberty. Single parents were not subject to detention for migration offences.

7. Over the previous four years, the country's asylum system had been placed under considerable pressure. Cyprus had received the highest number of migrants relative to its population among all European Union countries for the third consecutive year and the number of asylum applications had increased by 70 per cent between 2018 and 2019. In spite of the pressure, Cyprus remained committed to its international obligations, and the principle of non-refoulement and the prevention of torture and ill-treatment were core aspects of the country's asylum laws. An enhanced legislative framework and an administrative court for international protection had been established to ensure that the rights of all persons were upheld within the asylum system and to enhance identification of vulnerable persons. The Government was making every effort to improve conditions in reception centres.

8. In March 2018, a council had been established to monitor the implementation of the country's strategy to protect children from sexual abuse and exploitation and it was currently devising a new three-year action plan in that regard. In 2017, a children's care centre had been set up to provide multidisciplinary, specialized and child-friendly support to child victims of abuse, based on the "Barnahus" model. A comprehensive bill adapting the criminal justice system to the needs of children in conflict with the law and bringing the system into line with international instruments and guidelines had been submitted to the appropriate parliamentary committee for consideration.

9. As part of the Government's family law reform, seven bills were being discussed by Parliament in order to safeguard the rights of women and men in family matters and to ensure that the best interests of the child were respected. A bill that would criminalize all forms of violence against women and incorporate the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) had been prepared, and a bill criminalizing harassment and stalking had been brought before Parliament. In the near future, the "Women's House" crisis centre would provide comprehensive and integrated services for women victims of violence and their children. The centre would also be open to migrant victims, regardless of their legal status. The Ministry of Foreign Affairs was working to mainstream gender in foreign policy by designing and implementing targeted activities and initiatives.

10. In line with its commitment to advancing the rights of lesbian, gay, bisexual, transgender and intersex people, Cyprus had joined the Equal Rights Coalition in 2018. A law granting civil partnerships for same-sex couples had been enacted in 2015 and the Criminal Code had been amended in 2017 to include homophobia and transphobia as aggravating factors.

11. **The Chair** (Country Rapporteur) said that he wished to know how many cases of torture and/or ill-treatment had been handled by the courts during the period under review and in how many of those cases the definition of torture in sections 3 and 5 of the Law No. 235/90 had been applied. If those sections of the Law had not been invoked, he would appreciate an explanation as to why. Given the disparity between the number of complaints related to torture and ill-treatment and the number of convictions for such offences, he wondered what measures were in place to ensure that prosecutors brought charges under that Law rather than issuing indictments for less serious crimes. It would be useful to have updated information on the proposed amendments to sections 3 and 5 of the Law to impose harsher penalties on police officers who tortured detainees during interrogation. Would police officers face more severe penalties than other perpetrators of torture? He would be interested to learn what measures the Government had taken, and would take, to combat the widespread problem of police abuse, and how the Government would ensure that those measures had the desired effect.

12. He would welcome an update on the status of the bill abolishing section 30 of the Law on the Rights of Arrested and Detained Persons, which prescribed criminal sanctions for persons who abused the right to medical examination or treatment. He wondered how many people had been punished for abusing that right during the period under review. He wished to know in what proportion of cases medical examinations were carried out at the time of detention and how soon thereafter they were conducted, on average. If such examinations were not carried out in every case, he would like to know why. He would be interested to hear how many reports of potential physical and/or psychological violence

indicating torture or ill-treatment had been submitted by doctors, and which authority was responsible for investigating the reports. What had been the outcome of the investigations? He would appreciate an explanation of the rules regarding the presence of police officers during medical examinations, including who decided whether officers should be present, how often detainees were handcuffed during the examination and whether police officers were ever involved in taking photographs of injuries. He wished to know how the State party ensured compliance with those rules in practice. He asked how, in the absence of clear guidelines, the results of medical examinations could be shared with prison guards without breaching the right to medical confidentiality. Were prisoners notified about what medical information was shared with prison guards?

13. He would be interested to hear how many detainees during the period under review had been denied the right to communicate immediately with a person of their choosing, and why. In cases where communication had been delayed, how long had the delays been? He wished to know what proportion of detainees were able to exercise their right to access a lawyer from the outset of their detention, and how long after arrest, on average, detainees had access to a lawyer. According to information available to the Committee, applicants for legal aid had to convince the court that their case was likely to succeed before assistance was granted, which raised concerns that legal aid was not available immediately after detention. He asked what proportion of detainees applied for legal aid, what proportion of applications were granted and how long after arrest detainees were able to meet with their appointed legal counsel. He wondered what kind of information was kept in custody records and whether the records were available to the relatives and lawyer of the person concerned.

14. He would be grateful for a description of the conditions of cells in police custody, including whether cells had windows and whether detainees had access to common rooms and leisure facilities. Were conditions in police detention centres acceptable according to the State party's own standards? He wished to know how long persons were detained in pretrial detention and how often the three-month limit was exceeded. He would be interested to learn how long it would take to resolve the problem of prisoners awaiting trial being held in police cells, and whether the Government would consider making wider use of alternatives to detention during the pretrial period as a solution. He asked whether the State party monitored compliance with fundamental legal safeguards and whether it could provide evidence that the safeguards were respected in practice. How many complaints of non-compliance had been received and what disciplinary sanctions had been imposed as a result? Noting that the establishment of a bi-communal technical committee had fostered collaboration between the Greek and Turkish Cypriot police forces, he enquired how the two forces might collaborate in the future and in what areas.

15. He would appreciate clarification of the figures for reported incidents of domestic violence, given that the number of reported incidents for each year given in table 2 of the annex to the fifth periodic report did not add up to the overall number of cases. It would be useful to have data on domestic violence as requested by the Committee in paragraph 2 (a) of the list of issues prior to reporting ([CAT/C/CYP/QPR/5](#)), including updated statistics for 2017–2018. Was domestic violence a growing problem? He would also be grateful for the information regarding the means of redress provided to victims, such as medical and psychological assistance and legal aid, requested in paragraph 2 (b). He wondered what the timeline was for the adoption and implementation of the bill on harassment and stalking and the bill criminalizing all forms of violence against women. He asked whether the Government planned to collect and use data in order to assess the impact of the measures adopted to combat domestic and gender-based violence.

16. He would be interested to know how many officials had been implicated in cases of trafficking in human beings and whether any of them had been prosecuted for complicity. He would also like to know how often the victims had been granted residence permits and whether they were permitted to remain irrespective of whether they chose to pursue the case in court.

17. Noting that the Ombudsman's Office had B-status accreditation only, primarily because the incumbent was appointed by the President, which raised questions about the institution's independence, he asked whether that issue had been addressed in recent

legislative amendments affecting the Ombudsman, and if it had not, what measures were envisaged to ensure full compliance with the Paris Principles.

18. He also had concerns about the lack of autonomy of the national preventive mechanism, which formed part of the Ombudsman's Office and did not have its own discrete budget. That situation generated a risk of underfunding that could compromise the mechanism's capacity to monitor places of deprivation of liberty on a regular basis; indeed, if he had understood correctly, in recent years, the mechanism had conducted no more than five visits annually. That number was clearly insufficient, bearing in mind that the country had a number of police detention centres in addition to the central prison, not to mention social welfare, psychiatric and migrant detention facilities. He would like to know: what recommendations had been submitted to the Government as a result of the visits that had been made; whether the recommendations had been accepted and implemented; and if so, what changes had been achieved as a result. He wondered whether NGOs were also authorized to carry out monitoring activities, either in conjunction with the preventive mechanism or independently, and, if they did, what their role was. If they were not involved, he invited the delegation to explain why.

19. He would like to know whether the national preventive mechanism also monitored conditions in migrant detention centres. If it did, he wished to know what recommendations it had made and what changes they had brought about. He urged the delegation to provide a fuller response to the questions raised in paragraph 6 of the list of issues prior to reporting ([CAT/C/CYP/QPR/5](#)), including information about the number of persons granted subsidiary protection in each year of the reporting period, comparative figures for the number of cases in which protection had been either continued or discontinued following re-examination, the number of appeals against decisions to withdraw protection and the outcome of such appeals. The delegation should also explain why it was that, according to reports, applications for subsidiary protection were five times more likely to be successful than applications for refugee status. In addition, the Committee had received information indicating that appeals against rejected applications for refugee status entailed the suspension of protection. Could the delegation confirm that was the case, and if it was, could that situation be a deterrent for potential applicants?

20. Noting that, according to the report, countries in which torture was known to be practiced featured among the destinations to which unsuccessful asylum seekers had been returned, he asked how the Government ensured that returnees were not at risk. He invited the State party to confirm that refugee law had been amended as recommended in the Committee's previous concluding observations ([CAT/C/CYP/CO/4](#), para. 13) and that all persons seeking asylum had access to an interpreter, to free legal assistance that covered appeal proceedings as well as initial applications, and to all other guarantees of due process.

21. The Committee had learned that, since the report's submission, a specialized court had been established to hear appeals against rejected asylum applications, which had previously been heard before the Supreme Court. He invited the delegation to explain the reasons for the change, to clarify the current appeals procedure, indicating, for example, whether appeals had a suspensive effect on deportation, and to provide details of the number of appeals processed and their outcomes. The Committee had also learned that returnees were sometimes subjected to harsh treatment during deportation, including being handcuffed and detained in an airport cell. He would therefore like information about the manner in which returns were carried out, including clarifications regarding the use of detention, handcuffs and force in general. He would particularly like to know whether keeping records of such proceedings was mandatory and, if so, whether the records were subject to independent review.

22. Because victims of torture had special needs and often required immediate medical attention, early identification and, by extension, effective screening were vital. It appeared, however, that the State party's screening procedures were less than optimal: according to the report, no statistics concerning the number of torture victims identified among asylum seekers were available and only two victims of trafficking a year had been identified and granted international protection in 2015, 2016 and 2017. In his view, while the provision made for individualized assessments during the reception process and the special consideration given to particularly vulnerable applicants with a view to determining any

special medical or procedural needs they might have were commendable, the procedures described were unlikely to be effective in identifying victims of torture, since the health sequelae of torture and ill-treatment differed markedly from those of chronic illness, disability, old age and all other issues mentioned in the report that might increase a person's vulnerability. Furthermore, the Committee had received information indicating that such assessments were not routinely conducted in all cases. More information about reception procedures was therefore needed, including, specifically, figures for the number of asylum seekers who had been identified as having special reception needs; information on how those needs were accommodated; figures for the number of persons referred to a doctor after allegations or signs of torture had come to light; the outcomes of the medical examinations conducted; and details of the content of rehabilitation programmes.

23. The Committee was also concerned about the State party's policy of criminalizing undocumented migrants and about reports of so-called "prohibited" migrants being routinely detained for extended periods. The delegation should therefore clarify State policy for the detention of immigrants. In particular, it should confirm whether it was true, as had been reported, that applications for asylum from undocumented migrants cleared for deportation were considered to be obstruction. If that was the case, what were the consequences of such "obstruction"?

24. **Mr. Hani** (Country Rapporteur) said that the detailed information about training for front-line law enforcement officers provided in the report was much appreciated but that it appeared that most human rights-oriented training was general in nature. He wished to know what training related directly to the Convention and the prohibition of torture and ill-treatment was offered and how many police officers, judges and prison staff had received special training of that kind. More detail about the training for middle managers in prisons that had been introduced in 2018 as part of efforts to improve oversight would likewise be welcome, as well as an indication of any plans to extend that training to staff at other levels. The delegation should also indicate how many forensic medical personnel had received training on the Istanbul Protocol; it should describe the content of the non-coercive investigatory training offered at the Cyprus Police Academy, and explain how the prohibition of torture had been incorporated into rules and instructions concerning the duties and functions of law enforcement personnel, as required under article 10 of the Convention.

25. Given the importance of diversity for conflict prevention, he had been concerned to learn that, according to the Ombudsman, ethnic and other minorities were not adequately represented in the police force and other institutions. He would like to know what the State party was doing to address that deficiency and whether a better representation was likely to be achieved in the near future. He wondered whether the police force and prison service had a policy of vetting candidates for positions of responsibility to ensure that they did not have a questionable human rights record.

26. Latest figures attested to severe prison overcrowding: according to the Ombudsman's Office, the country's detention facilities were currently accommodating over 750 inmates despite having an official capacity of 540. He would appreciate confirmation of those figures, details of the action being taken to reduce overcrowding and disaggregated data showing the breakdown of inmates by sex and the percentages of total prisoners accounted for by remand detainees, ethnic minorities and foreign nationals. He would also like to know how many prisoners were serving life sentences, whether those prisoners had any chance of having their sentences reduced in order to give them hope of one day being released, and whether they had access to rehabilitation programmes. The delegation should also indicate what was being done to improve conditions in the police detention centres in Paphos and Limassol, which the Subcommittee on Prevention of Torture had described, after its recent visit, as oppressive and dehumanizing, and in the central prison in Nicosia, where the main problems highlighted by the Subcommittee had been a lack of visits, limited access to communication media and the lengthy delays experienced by foreign detainees waiting to be returned to their home country to serve sentences. Noting that the Subcommittee had also identified deficiencies in record-keeping for juvenile prisoners, he asked what was being done to guarantee that accurate records were maintained and, more specifically, that prisoners' ages were ascertained and recorded accurately.

27. In reference to paragraph 40 of the report of the Subcommittee on Prevention of Torture on its visit to Cyprus undertaken from 25 to 29 January 2016 (CAT/OP/CYP/1), he said that he would appreciate clarification of the arrangements in place for the admission of prisoners to the mental health wing of Nicosia central prison and for the separation of persons in mental distress from other detainees. Updated statistics on the number of persons held in the mental health wing, and information on the accessibility of the complaints box installed there, would also be welcome.

28. Turning to paragraph 46 of the Subcommittee's report and paragraph 79 of the State party's replies thereto (CAT/OP/CYP/1/Add.1), he said that the long time that some women detainees had to wait to see a gynaecologist had to be considered in the light of the heightened vulnerability of such women. In that connection, he wished to know what was being done to improve material conditions of detention for women prisoners, in line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

29. Recalling the established position of the Committee, the Subcommittee and the Working Group on Arbitrary Detention that migrants should be detained only as a measure of last resort, he asked how many and what percentage of undocumented migrants in the State party were currently being detained, what the average and maximum lengths of detention were for such persons, what alternatives to detention existed and whether the Government intended to expand their use for all undocumented migrants who had not committed any violations other than of immigration law and who posed no security risk.

30. With regard to paragraphs 52 to 54 of the Subcommittee's report, he wished to know whether any steps had been taken to improve conditions at the Korfinou centre for migrants since the Subcommittee's visit. Concerning paragraphs 55 to 66 of the report, he asked whether an investigation had been launched into the allegations made by some undocumented migrants at the Mennoia detention centre that they had been beaten while in detention by custodial staff, and invited the delegation to comment on the Subcommittee's findings that an excessive amount of medication was provided to undocumented migrants, that the procedures applied for prescribing such medication were unclear and that, where the authorities within the centre suspected that behaviours might be attributable to mental health problems, the police sought involuntary treatment orders from the court. He would be interested to hear about any measures adopted to humanize conditions at the centre and to investigate the allegations of ill-treatment by police in the centre mentioned in paragraph 18 of the Committee's concluding observations on the fourth periodic report of Cyprus (CAT/C/CYP/CO/4).

31. Regarding paragraphs 67 to 72 of the Subcommittee's report, he asked whether, since the Subcommittee's visits to two institutions for unaccompanied minors, efforts had been made to improve conditions there and to otherwise implement the Subcommittee's recommendations. Turning to paragraphs 73 to 82 of the report, he said that he would be grateful for explanations of the legal safeguards in place in relation to commitment to Athalassa mental health hospital, whether persons voluntarily hospitalized were separated from those admitted without their informed consent or that of their relatives, whether decisions to institutionalize persons were taken only after a qualified, impartial and objective medical expert had been consulted and what procedures were followed for the use of chemical and other restraints.

32. He invited the delegation to respond to the thematic report published, in Greek only, by the State party's national preventive mechanism following visits to social care homes in the country, in which it was noted that older patients were not separated from those with mental health problems and that inappropriate physical restraints were used. The delegation should indicate whether any follow-up had been given to the report.

33. He wished to know whether the State party's authorities had investigated any allegations of excessive use of force by officials in places of deprivation of liberty during the reporting period, how cases of excessive use of force were handled, whether any investigations had been launched into allegations of inter-prisoner violence, including gang rape, and, if they had, what steps had been taken to prosecute and punish any perpetrators. Up-to-date statistics on deaths in custody, including suicides, and on the use of solitary



confinement and other disciplinary measures, would also be appreciated. The delegation should describe the legal safeguards regulating the use of such measures and indicate whether recourse to solitary confinement in the State party was in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

34. Referring to paragraphs 7 and 8 of the concluding observations of the Committee on the Rights of the Child on the report submitted by Cyprus under article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict ([CRC/C/OPAC/CYP/CO/1](#)), he asked whether the Government would consider withdrawing the “declaration” that the State party had lodged in respect of articles 1 and 2 of the Optional Protocol and ending the practice whereby compulsory military service for a citizen in times of peace began on 1 January of the year when that citizen turned 18 years of age.

35. Turning to paragraphs 207 to 209 of the State party’s report ([CAT/C/CYP/5](#)), and noting with satisfaction the information contained in paragraph 208 (v), he said that he would welcome statistics for 2018 and 2019 on the number of complaints of ill-treatment by police at the Mennoyia detention centre filed with the Independent Authority for the Investigation of Allegations and Complaints against the Police. The delegation should explain the low number of complaints, and the even lower number of complaints investigated, between 2013 and 2017.

36. Concerning paragraphs 210 and 211 of the report, he asked why the Attorney-General of the Republic was informed of the opening and closing of disciplinary investigations conducted by the Professional Standards, Audit and Inspection Directorate only in serious cases, bearing in mind that he or she was always informed about complaints investigated by the Independent Authority for the Investigation of Allegations and Complaints against the Police. He would be grateful for explanations of who determined whether or not a case was “serious” and on what basis, and of the procedure followed when a serious case was referred to the Attorney-General by the Directorate.

37. With regard to paragraph 213 of the report, he asked whether the State party would consider amending the Police Disciplinary Regulations to ensure that suspects in *prima facie* cases of torture and ill-treatment were always suspended or reassigned during the investigation. He would appreciate information on the numbers of complaints received and investigated by the Complaints Committee mentioned in paragraph 214 of the report, on the number of investigations that had resulted in prosecutions and on the average time that passed between the filing of a complaint and the completion of the relevant investigation.

38. He wished to know what follow-up had been given to the judgment of the European Court of Human Rights in the case of *Thuo v. Cyprus*, in particular to remedy the shortcomings identified in the investigations carried out by the Office of the Ombudsman and the Independent Authority for the Investigation of Allegations and Complaints against the Police. The delegation should indicate what steps had been taken to improve conditions of detention at Nicosia central prison, which, in the applicant’s case, had been deemed by the Court to amount to degrading treatment. He would also welcome an update on the investigation launched by the Authority into the claim made by a 60-year-old Turkish national in late August 2019 that he had been ill-treated by a police officer outside and inside a police station near a designated crossing point of the United Nations Buffer Zone in Cyprus.

39. Turning to paragraph 232 of the State party’s report, he asked whether the Government intended to incorporate into domestic legislation specific provisions on the right to redress of victims of torture and ill-treatment, and, in the meantime, what was done to give effect to that right and within what framework. Regarding paragraph 230, he asked how the State party ensured that mental health service staff were given training in line with the Istanbul Protocol, what plans were in place to offer specialized rehabilitation programmes to victims of torture and ill-treatment, and what long-term rehabilitation services were available to asylum seekers after a decision had been made in respect of their application.



40. The news, announced in January 2019, that the British Government had reached an out-of-court settlement with a group of 33 Greek Cypriots who claimed to have been tortured by British colonial forces in the mid-1950s demonstrated that there were paths of redress for historical crimes. In that connection, he wished to know whether the State party intended to codify the judgment of the Supreme Court in the case of *Yiallourou v. Nicolaou*, which was cited in paragraph 245 of the report, and incorporate into national law an explicit reference to torture and ill-treatment being a cause of action in civil cases.

41. Noting that, according to a survey carried out by the Committee on Missing Persons in Cyprus, 44 per cent of the families of disappeared persons considered that educating the next generation would be an effective form of redress and a means of preventing any recurrence of the circumstances in which their relatives had disappeared, he asked whether there were plans to include education in the right to reparation. It appeared, from the State party's report, that little or no progress had been made in investigating cases of persons reported missing as a result of the intercommunal fighting that had occurred in 1963 and 1964, and of the events of July 1974 and afterwards, despite the fact that the number of victims had been established. He would be interested to know why that was so, what was being done to intensify efforts in that regard, how many missing person announcements had been published in the Greek Cypriot and Turkish Cypriot media and whether any steps were taken to facilitate the submission of witness statements to the Attorney-General of the Republic and the Committee on Missing Persons in Cyprus by relatives living in Northern Cyprus. Recalling the Committee against Torture's general comment No. 3 (2012), on the implementation of article 14 of the Convention by States parties ([CAT/C/GC/3](#)), in which the Committee set out its broad and holistic view of what constituted redress, he asked whether the families of disappeared persons could file civil actions for redress.

42. He would be pleased to receive information on whether an investigation had been launched into the claim by a 19-year-old British woman that she had been forced by Cypriot police officers to sign a confession that she had made false allegations of gang rape in July 2019. More generally, he wished to know how many complaints of forced confession had been lodged during the period under review and whether there had been any cases in which judges had dismissed evidence on the grounds that it had been extracted under duress.

43. He invited the delegation to provide details of any recorded complaints of hate crimes, including against the Roma and lesbian, gay, bisexual and transgender communities, and of any investigations that had been carried out as a result. He would also be grateful for an indication of whether the relevant authorities had investigated the allegation by a Turkish Cypriot ship captain that, following his arrest in Larnaca in 2015, he had been denied access to a lawyer and an interpreter, subjected to ill-treatment by police officers when attempts had been made to take a blood sample, and released nine days later with no explanation. If an investigation had been conducted, he would welcome information on the outcome.

44. He wished to know whether and how the use of restraints in psychiatric institutions was regulated in law and in practice, whether there was a mechanism to investigate and monitor that use and whether the State party intended to amend its Code of Criminal Procedure to incorporate regulations on the use of chemical restraints in psychiatric facilities. The delegation should also indicate whether there were plans to introduce a central register to record, systematically, all instances of recourse to means of restraint, including chemical restraint, at Athalassa mental health hospital, in accordance with a recommendation made by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in the report on its visit to Cyprus from 2 to 9 February 2017.

45. In the light of reports received by the Committee that the majority of patients placed in psychiatric facilities involuntarily did not appear before a judge, he would appreciate the delegation's comments on the apparent gap between the legal provisions in place and their application in practice. He would also welcome the delegation's reaction to allegations of abuse of the voluntary commitment procedure provided for under article 8 (2) of the Psychiatric Care Act. Were any patients ever committed or treated against their will?

46. **Mr. Rodríguez-Pinzón** said that the State party had indicated in its report that the Committee's request for information relating to compensation provided to victims of torture did not apply. It was unclear whether that was because there was no relevant data available or because there were no legal provisions in place governing the provision of compensation. He would welcome confirmation that the procedure allowing victims of enforced disappearance to pursue compensation claims against the perpetrators in the civil courts was also available to victims of torture. It would be helpful to learn whether a civil compensation claim could be pursued even in cases where a criminal conviction had not been secured. Were victims of torture able to use the civil claims procedure to obtain compensation from the State?

47. **Ms. Belmir** said that she would appreciate the delegation's comments on numerous reports that irregular migrants were treated as criminals. According to some sources, irregular migrants were sometimes held in police custody for months or even years. The Committee had also received reports that foreign nationals engaged in domestic work in the State party were subjected to ill-treatment by their employers and had their travel documents confiscated. She would be grateful for information on that issue.

48. **Ms. Gaer** said that she would like to know what percentage of prosecutions of domestic violence cases ended in fines, imprisonment or other sanctions. She would also be interested to hear the reasoning behind the inclusion of forced marriage in the State party's legislation on human trafficking. The Committee had received reports that trafficking suspects sometimes fled to the Turkish portion of the State party. Had the recent restoration of cell phone service on both sides of the Green Line had any positive impact on the authorities' efforts to pursue traffickers?

49. **Mr. Hani** said that it would be useful to know whether the five deaths in custody that had been attributed to natural causes since 2016 had been investigated. He would like to receive details of the outcome of any investigations relating to inter-prisoner violence and violence between prisoners and prison staff.

50. He would appreciate information about the Government's efforts to ensure that the provisions of the Convention, particularly those relating to prevention, were respected in all parts of the island of Cyprus, including those areas that were not under the effective control of the Government of the State party.

*The meeting was suspended at 12.30 p.m. and resumed at 12.40 p.m.*

51. **Mr. Kasoulides** (Cyprus) said that the Government had expected to receive input to the periodic report from NGOs and had been surprised that none had been forthcoming.

52. The Government regarded the important issue of missing persons as purely humanitarian in nature. When the Committee on Missing Persons in Cyprus had begun its work in 1981, it had compiled a list of 1,483 missing Greek Cypriots and 502 missing Turkish Cypriots. To date, the fate of 46 per cent of the Greek Cypriots and 54 per cent of the Turkish Cypriots had been clarified. In recent years, the number of remains located had fallen sharply. On some occasions, the Committee had been refused permission to conduct excavations of suspected burial sites in the occupied part of the island. There was evidence that some sites in the occupied part had been disturbed and remains removed and concealed.

53. When remains were found, the Attorney-General immediately opened criminal proceedings in application of article 2 of the European Convention on Human Rights. While the United Nations, the United Nations Peacekeeping Force in Cyprus (UNFICYP), the International Committee of the Red Cross and troop-contributing countries had allowed the authorities to review their records, Turkey had not made its military archives available in the context of the search for missing persons. The Government would pursue its efforts until the fate of all missing persons, whether Greek Cypriot or Turkish Cypriot, had been established.

54. The European Court of Justice had described the authorities in the Turkish-controlled part of the island as the subordinate local administration, with Turkey as the occupying power. Attempts at cooperation with the authorities had proved problematic.

Although the two sides had recently reached an agreement on cell phone coverage around the green line, the system was not yet working well.

55. **Mr. Veis** (Cyprus) said that, with regard to the rape case involving a young British woman, the alleged victim had later changed the initial account she had given to police. As a result, the 12 male juveniles who had been taken into police custody had been released and a charge of causing public mischief had been laid against the woman. That case remained pending before the courts.

56. Statistics on prosecutions and convictions in domestic violence cases and cases involving racist motives were available in Greek and English on the website of the police authorities. Approximately half the complaints of domestic violence received each year resulted in a criminal investigation. The authorities were concerned that there appeared to be a downward trend in conviction rates in such cases.

*The meeting rose at 1 p.m.*