

CYPRUS

CAT A/49/44 (1994)

118. The Committee considered the initial report of Cyprus (CAT/C/16/Add.2) at its 168th and 169th meetings, held on 17 November 1993 (see CAT/C/SR.168 and 169), and adopted the following conclusions and recommendations:

Introduction

119. The report was due on 16 August 1992 and was received on 23 June 1993. In all respects the report meets the guidelines of the Committee and the Committee compliments Cyprus on the comprehensive and detailed information provided.

Positive aspects

120. The Committee feels that Cyprus has a very advanced legislative and administrative scheme for the implementation of human rights values contained in international instruments.

121. In this regard the Committee notes with satisfaction the proposed amendment to the Ombudsman's jurisdiction granting him clear authority to investigate and report on human rights violations.

122. Legal protection of basic rights is also apparent in the constitutional provisions of Cyprus.

Factors and difficulties affecting the implementation of the Convention

123. There seem to be no structural or legal impediments to full implementation of the Convention. On the contrary, the legal, legislative, and administrative framework is most comprehensive and probably as good as the most advanced anywhere.

Subjects of concern

124. Casual brutality by police officers has been reported, particularly at Limassol Police Station.

125. This may reveal a lack of professionalism which if not dealt with strictly could, in a small country with a fairly homogeneous culture, take a firm hold on police practices.

126. The Committee notes though, the response of the authorities in prosecuting two officers on charges of torture and the decision of President Clerides to ask the Council of Ministers to set up a Commission of Inquiry into the reported draft conclusions of the European Committee for the Prevention of Torture. The Committee notes also that this Commission of Inquiry has been set up and is engaged in its

inquiries.

Recommendations

127. The legal and administrative constructs in Cyprus need no changes. But recommendations can be made:

(a) When complaints committees are set up to examine questions of police brutality that may contravene the Convention against Torture a great effort should be made to ensure that their composition cannot be criticized on the basis of real or perceived partiality;

(b) It is sometimes very difficult for small, homogeneous States to change institutional attitudes and practices without creating the risk of a strong reaction. Very often it is useful to utilize an external agency for this catalytic role. Quite obviously, not only do the police need to be disciplined and prosecuted for any unlawful conduct, but a real attempt must be made to properly internalize their attitudes towards the human rights values that they must respect in their everyday activities. In this regard, as well as with respect to the emphasis in their police training, the programme of advisory services and technical assistance of the Centre for Human Rights is ready to assist in the educational and re-educational mission. A joint initiative between that programme and the Government of Cyprus, with appropriate attendant publicity, may go some way towards affecting police attitudes;

(c) The requirement of reciprocity in Conventions, even in the limited sense that the representative of Cyprus offered in his answer to the Committee, is somewhat cryptic; this could be re-examined and clarified in the periodic report;

(d) The Committee also likes to receive answers to its unanswered questions;

(e) The Committee wishes to express its appreciation to Cyprus for its comprehensive report and its obvious willingness to deal with the questions raised by the members of the Committee.

CAT A/53/44 (1998)

42. The Committee considered the second periodic report of Cyprus (CAT/C/33/Add.1) at its 301st and 302nd meetings, on 11 November 1997 (CAT/C/SR.301 and 302), and adopted the following conclusions and recommendations.

Introduction

43. The second periodic report of Cyprus was received in timely fashion and complied with the general guidelines for periodic reports (CAT/C/14) adopted by the Committee.

44. The oral presentation by the delegation complemented the written report, informing the Committee of the most recent developments in Cyprus. The ensuing discussion was open and fruitful.

Positive aspects

45. The Committee endorses the conclusions it found in this respect at the time of its consideration of the initial report and welcomes the legislative initiatives concerning mental health, the proposed creation of a National Institution for the Promotion and Protection of Human Rights and reform of the law of evidence.

46. Moreover, the Committee acknowledges the activities of the Ombudsman and the response of the Council of Ministers to established cases of police violence.

47. The Committee especially welcomes the way in which the Convention has been incorporated into the domestic law of Cyprus, in particular the Convention definition of "torture" itself.

Factors and difficulties impeding the application of the provisions of the Convention

48. As stated in the Committee's views on the initial report, there appears to be no structural impediment to the implementation of the Convention in Cyprus.

Subjects of concern

49. A few cases of casual violence by police officers continue to be reported, emphasizing the continuous need for programmes of education and vigorous legal response to such instances.

50. The fact that a victim is unable or unwilling to give evidence should not be a reason for non-prosecution where the case can otherwise be made.

Recommendations

51. The legal and administrative constructs in Cyprus are excellent; in implementing them the Committee advocates a strong programme of re-education directed to field law enforcement personnel that emphasizes the policy of the Government to honour its commitment to human rights.

CAT A/58/44 (2003)

30. The Committee considered the third periodic report of Cyprus (CAT/C/54/Add.2) at its 536th and 539th meetings, held on 15 and 18 November 2002 (CAT/C/SR.536 and 539), and adopted the following conclusions and recommendations.

A. Introduction

31. The Committee welcomes the submission of the third periodic report of Cyprus, which was submitted on time and is generally in conformity with the Committee's guidelines for the preparation of periodic reports. It also welcomes the additional written and oral information provided by the delegation. The Committee commends the way in which the State party has addressed its previous recommendations.

B. Positive aspects

32. The Committee notes with satisfaction that there are no reported cases of torture or political prisoners in the State party.

33. The Committee welcomes the recent legislative, administrative and institutional developments that took place in the State party since the consideration of its previous periodic report, namely:

(a) The bill for the amendment of the Ratification Law making the subjection to cruel, inhuman or degrading treatment or punishment as described in article 16 of the Convention a criminal offence, and providing for the presumption of ill-treatment if it is ascertained by medical examination that the person detained bears external injuries which were not present at the time of arrest;

(b) The adoption of the Protection of Witnesses Law by the Parliament with a view to securing anonymity of witnesses;

(c) The adoption of the Law on the Prevention of Domestic Violence;

(d) The enactment of a new law in 2000 for the suppression of trafficking in persons and of the sexual exploitation of children;

(e) The abolition of the death penalty;

(f) The amendment of the Aliens and Immigration Law to provide additional protection to persons claiming refugee status;

(g) The enactment of a new law for the payment of adequate compensation;

- (h) The decision of the Council of Ministers to empower the Attorney-General to appoint criminal investigators to investigate allegations of criminal conduct by police;
- (i) The new measures taken to give effect to the newly adopted Psychiatric Treatment Law;
- (j) The improvement and renovation of prison facilities;
- (k) The establishment of a national institution for the promotion and protection of human rights;
- (l) The establishment of a Police Human Rights Office to receive and investigate complaints of human rights violations by police officers;
- (m) The introduction of a programme for the training of judges of first instance courts in the field of human rights.

C. Subjects of concern

34. Although there is a generally positive trend regarding the treatment of detained persons by police, the existence of some cases of ill-treatment require that the authorities remain vigilant.

E. Recommendations

35. The Committee commends the State party for its ongoing efforts to ensure the effective implementation of the Convention, appreciates the work done so far and calls upon the State party to continue these efforts.

36. The Committee recommends that the State party widely disseminate the Committee's conclusions and recommendations, in all appropriate languages, in the country.