

Human Rights Council resolution 24/16 on the role of prevention in the promotion and protection of human rights

Question:

1.
 - a. Please describe legislative, judicial, administrative and other measures aimed at the prevention of human rights violations and abuses in place at the domestic level, both with regard to direct prevention (aiming to prevent violations from occurring by reducing the risk factors that cause violations) and indirect prevention (aiming at ensuring non-through investigation and addressing causes of violations as well as accountability).
 - b. Please describe any good practices in the implementation of these measures, as well as any challenges which have been faced.
 - c. Please describe how such measures encompass all branches of the State (executive, legislative and judicial) and other public or governmental authorities, at whatever level-national, regional or local.

Answer:

Accountability mechanisms:

The Police is very sensitive on issues regarding ill-treatment and use of force by members of the Police. If a person believes that he/she has been discriminated, ill-treated, or his / her human rights have been violated by the Authorities, he/she has the right to file a complaint. There are several mechanisms and procedures within the Police that ensure prompt and impartial investigation of allegations of police misconduct, ill-treatment etc.: disciplinary and criminal procedures, the Police Audit and Inspection Unit and the Police Standards Directorate. There are also several independent authorities for the investigation of such alleged cases: the Independent Authority for the Investigation of Allegations and Complaints against the Police, the Attorney General with the appointment of criminal investigators, the Ombudsman, the Commissioner for Children's Rights. These mechanisms, aim at the objective investigations of complaints, as well as the reduction or even the elimination of any inappropriate behaviour from the members of the Police.

The Chief of Police sent a circular letter, dated 02/07/2014, informing all members of the Police that the Attorney General of the Republic, gave instructions when such allegations are raised:

- The Attorney General of the Republic and the President of the Independent Authority for the Investigation Allegations and Complaints against the Police must be informed, within 24 hours.
- The practice of conducting an administrative investigation for these cases by members of the Police is terminated.
- When a person, detained at any Police Station, files a complaint for abuse against a member of the Police, within 24 hours of the submission of the

- complaint, the Police must make sure that the detainee is examined by a forensic pathologist. All findings must be included in the relevant report.
- Both the forensic pathologist's report and the written notice of the Police for the alleged abuse must be sent, together or separately, to the Attorney General of the Republic.
 - In case of use of violence by members of the Police for the purposes of arrest of a suspect, a detailed report and photographs of any injuries of the arrested person must be made available, upon arrival at the Police Station.

Educational programmes:

Cyprus Police Academy provides educational programmes on issues relating to the prevention and protection of human rights that include combating torture and ill treatment by police members, treatment of detainees, racial discrimination issues, domestic violence issues, trafficking in human beings, etc. Details about the training programmes provided at the Cyprus Police Academy are listed in answer 4 below.

Circular letters:

The Chief of Police has sent numerous circular letters to all the members of the Police, stressing out the importance that police officers have to attribute to the protection of human rights, the treatment of detainees, the application of the provisions of the relevant legislation, the operation while on duty, in order to avoid any possible violations of human rights, etc. In addition, circulars letters concerning non-discrimination have been issued by the Chief of Police in the last three years regulating the following:

- Members of the Police are obliged to respect every person irrespective of racial, ethnic, religious or other origin and to treat all equally before the Law;
- Complaints on racial offences or on offences with a racial motive must be investigated with special diligence and recorded as required;
- Members of the Police should not refer to members of racial, ethnic, religious or other communities in an offensive way, or in a way that may contribute to a climate of hostility, fear and bias toward such communities;
- Racial profiling must be avoided.
- Racial offences or offences with a racial motive must be investigated by a Police Sergeant or higher ranking officer.

Establishment of specialized offices:

The Cyprus Police has established the following specialised offices:

- Human Rights Office
- Office for Combating Discrimination
- Office for Combating Trafficking in Human Beings
- Office for Combating Domestic Violence

Police Code of Ethics:

The Code of Ethics (2008) has been edited by the Human Rights Office of the Police and is available at the Cyprus Police webpage at <http://www.police.gov.cy>. Furthermore, a relevant Police Standing Order (No. 1/73) was prepared and is part of the basic training of the police recruits at the Cyprus Police Academy. The Police

Code of Ethics focuses on the protection and promotion of human rights, especially on issues related to police custody, interrogation etc.

Citizens Rights Charter issued by the Police:

Additionally, the *Citizens Rights Charter* has been issued and released by the Police in an effort to maximize the knowledge of citizens regarding police issues in relation to their rights, and to facilitate public access to Police establishments, procedures and services, through the inclusion of police forms necessary for several purposes. Both the Charter and the forms are available at the Cyprus Police webpage at <http://www.police.gov.cy>.

It should be noted that in the *Citizens Rights Charter*, there is a section on "Accountability mechanisms and Human Rights" where information is provided on how a person can complain against any member of the Police either to the Chief of Police, or to the Independent Authority for the Investigation of Allegations and Complaints against the Police. In the same section the citizen's rights in case of arrest are explained.

Combating Discrimination:

In 2013, the Police, in cooperation with the Office of the Commissioner for Administration (Ombudsman) and Human Rights, prepared a Police Policy Statement for the prevention, handling and combating of discrimination and racist crime. The Statement restructures, elaborates and improves the framework that was in place previously. It emphasizes the development of proactive and deterrent action, victim encouragement, support and protection, and more effective intervention and investigation measures. Based on the new law L. 134(I)/2011, "The Combating Certain Forms and Expressions of Racism and Xenophobia by means of Criminal Law", racial motive, including religion is criminalized. Particularly, the Law criminalises public incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin, and public condoning, denying or grossly trivialising crimes of genocide, crimes against humanity and war crimes.

A Manual of Intercultural Sensitivity was issued by the Police and is available as an additional police training tool. The Manual provides information concerning various religious (Buddhism, Judaism, Islamism and Hinduism) and cultures highlighting issues that concern investigation, and general policing procedures.

The Office for Combating Discrimination is responsible for the implementation of preventive initiatives as well as for monitoring intervention policies to combat racism, discrimination and xenophobia. The Office also collects and registers data on offences and incidents, which are of a racist nature, or which have a racist motive/element. The recording of such offences is also provided for in the Crime Report System, which is highly structured to define and register all racially motivated cases/incidents based on the sub-categorization of the type of motive including religion. Additionally, data include number of cases investigated and/or prosecuted, and Court outcomes/decisions.

The Police maintain a registry of all such offences, which is normally updated on an annual basis. The relevant Police data are publicly available and accessible through the Cyprus Police website through the link:

Combating Trafficking in Human Beings:

On 15/4/2014, a Bill that revises the Legal Framework regarding the Prevention, Combating Trafficking and Exploitation of Human Beings and Victim Protection was ratified (Law 60(I)/2014). The Law is victim-oriented and is in compliance with the Directives 2004/81/EC and 2011/36/EU and provides, inter alia, for the protection and promotion of the rights of victims, without any discrimination regarding sex, race, political beliefs, color, religion, language, national or social origin and association with a national minority, property, birth or other status.

This Law is cross-cutting, since new provisions have been incorporated, including sentences up to ten years imprisonment or/and 15000 euro fine. The establishment of the mechanism of external evaluator is expected to be an important tool to combat THB. Its mandate is to monitor trends and provide assessment reports on the Multidisciplinary Coordinating Group. Also, a special fund for the support of THB victims and for legal assistance is provided by this Law. Article 64(1) of the Law 60(I)/2014, provides for the establishment of a Multi-disciplinary Coordinating Group to combat Trafficking in Human Beings. The Multi-disciplinary Coordinating Group has adopted the new "National Action Plan 2013-2015". The Action Plan aims to submit a framework, in which real goals and specific actions are set out in order to confront trafficking in human beings and all its forms of exploitation. It consists of 9 chapters, concerning co-ordination, prevention, victims' identification, victims' support and protection, suppression, information gathering, education, international coordination, and evaluation. The main body responsible for its implementation is the "National Coordinator", who is the Minister of Interior and the actions included in the Action Plan are concluded by the members of the Multi-Disciplinary Coordinating Group, which are representatives of the Attorney General of the Republic, the Ministry of Justice and Public Order, the Police, the Ministry of Foreign Affairs, the Labour Department of the Ministry Labour and Social Insurance, the Social Welfare Services of the Ministry of Labour and Social Insurance, the Ministry of Health, the Ministry of Education and Culture, the Civil Registry and Migration Department and the Asylum Service of the Ministry of Interior, the National Mechanism for Women's Rights and four Non-Governmental Organizations determined by the National Coordinator.

The above mentioned Law also provides for the establishment of a National Referral Mechanism for the handling of THB cases and the referral of victims. It provides that whenever a governmental department, service or NGO contacts potential victims, they refer them to the Social Welfare Services where the victims receive information, especially concerning their rights regarding administrative and judicial proceedings. The potential victims are then referred to the Police, which is the competent authority for the identification of victims. In the meantime, the potential victims are placed at the governmental shelter. The Law also provides for the rights of the victims and defines which competent authorities must provide such rights.

The exchange of information is carried out according to International Conventions, Bilateral and Multilateral agreements and the European acquis. Another important channel of communication is the liaison officers. The exchange of information in Cyprus Police is carried out through the Directorate of European Union and International Police Cooperation (through the channels of Interpol and Europol). Moreover, Cyprus Police participates in several projects such as EMPACT, which

enables the Police to build on existing networks of cooperation. As a European member state, Cyprus also uses the channel of Eurojust.

The Cyprus Police also collaborates with the authorities of foreign countries through the channels of Europol and Interpol, as well as Mutual Legal Assistance Requests and through Liaison Officers of other Member States serving in Cyprus. Based on the Mutual Legal Assistance Law, Cyprus Police comes into contact with other countries through the mutual legal assistance requests in order to ask assistance and support for the investigation of any case.

Another measure that has been taken by the Police in order to facilitate front line officers and all police officers in general, regarding victim identifications and handling is the adoption of the "Identification Process Manual". The manual is based on the International Labor Organization Indicators (ILO) for identifying victims of trafficking, the World Health Organization & ICMPDS research and on the provisions of the anti-trafficking Law. The manual intends to assist police officers when dealing with trafficking cases and potential victims.

The identification manual has been disseminated, based on suggested procedures of identification of international organizations, Interpol, ILO, ICMPD and WHO and it is used in police trainings of all levels. The manual explains in detail all the necessary action that the police officer needs to take during the first contact with a presumed victim, the indicators that may lead dealing with the case as a trafficking case and the indicators used in identifying victims and traffickers. Additionally, it includes the impact of trauma due to victimizations and the possible attitude and behavior that the victims may express. It explains the reasons behind the reluctance of the victims to cooperate with the Police, and how to handle the presumed victim during the first interview. Also, it elaborates on how trafficking can be masquerading beneath crimes with lesser punishment and condemnation, such as illegal migration, false marriages, impersonation, labor differences etc. In addition to the manual of identification, the police issued a pocket size operational guide.

The operational guide for police officers regarding trafficking in human beings includes brief descriptions of the forms of trafficking, the difference between illegal migration and trafficking, and how the general public perceives and thinks about the victims. It also includes a detailed list of the identifications indicators and a list of possible questions that the police officer can ask the presumed victim during the interview, in order to determine whether the case is a trafficking case. The immediate needs of the victims and the necessary actions to be taken at scene are listed in the operational guide. Furthermore, it includes the phone numbers of police departments that deal with victims of trafficking or with the investigation of trafficking cases, for a more professional and competent handling of such cases but most importantly the victims.

Both the identification manual and the police operational guide are given to police officers attending either entry level training on trafficking as well as specialized training on trafficking in human beings. The identification manual is available on the police intra website. Members of the OoCTHB in cooperation with the immigration department, Larnaca and Paphos CID District Departments, the Airport Security Service as well as other Police Services participated in the Joint Action Day organized by Europol, in the framework of EMPACT (European Multidisciplinary Platform Against Criminal Threats, of EU Policy Cycle against organized crime), between 17-18/9/2014. The operation focused in Larnaca and Paphos Airports, which targeted high risk flights and the aim was the identification of possible

indicators that a passenger might be at risk of victimization. During the operations members of the OoCTHB informed passengers on THB issues.

Treatment of detainees:

In 2014, the Law of the Rights of Arrested and Detained Persons (L. 163(I)/2005) was amended, providing additional rights to arrested and detained persons. These rights are also stated in the "Notice to Persons in Custody", which is handed to all detainees at the very outset of their detention.

Moreover, a person in custody is provided with the necessary and reasonable facilitations as regards access to a doctor, confidential communication with his/her lawyer as well as personal contact with relatives or friends, etc. Facilities for telephone communication are also provided to all persons in detention either with their mobile phones or with a telephone of the police station.

Additionally, the Chief of Police gave instructions to detain persons that are held for more than 24 hours in detention facilities that fall under the category for the detention of persons for periods exceeding 24 hours. These instructions were given so that all detainees held longer than 24 hours have access to outdoor exercise for at least one hour per day.

As regards immigration detainees, Menoyia Detention Center was established by Law (L. 83(I)/2011) and it is specially designed for the detention of irregular migrants. All rights provided by the Law and Regulations are granted to all detainees held at Menoyia Detention Center:

- material conditions (adequate lighting, ventilation, air-conditioning, call-bell, access to water and food, provision of personal hygiene products, etc)
- communication and visits with relatives, friends, lawyers, NGOs, Ombudsman, UNHCR, etc
- sending and receiving letters,
- telephone communication,
- nutrition,
- access to lawyer and doctor,
- interpretation,
- access to outdoor exercise, etc.

The detainees remain at their cells only during sleeping and resting hours. The rest of the day they have a daily program, according to which they use the external recreation areas for about 4 hours per day, the TV rooms for about 6 hours per day, the restaurant for breakfast, lunch and dinner for about 2 hours. Additionally, there is an open exercise area with training court and kiosks that protects the detainees from weather conditions (sun, rain, etc). It is worth noting that the Police is in the process of changing the daily programme of the detainees, adding leisure and outdoor activities as well as educational programmes, in cooperation with other Governmental Institutions.

Furthermore, it is noted that cooperation has been established with the Cyprus Red Cross in organizing games and other activities. The Police in cooperation with Cyprus Red Cross is currently implementing a Program, which is funded by the Norwegian Funds, which will provide psychosocial support to the detainees of Menoyia Detention Center, as well as to the families of these persons.

It is also noted that Cyprus Police requested the assistant of foreign Embassies in Cyprus and the Cyprus Red Cross, to provide all detention centers, including Menoia Detention Center, with books in different languages.

Question:

3. a. Please describe what policies and processes are in place at the national level to collect, maintain and analyze statistical records on the situation of human rights in the country, in order to monitor the human rights situation and inform the formulation of prevention strategies and programmes, and please describe any good practices and the main challenges in this regard.

b. Please describe how statistical collection ensures the inclusion of all persons and groups.

Answer:

The policies and the processes used for the Police statistical data are the same for all the cases that are recorded by the Police.

In particular, the Analysis and Statistics Office of the Cyprus Police collects, monthly and yearly, statistics for the serious offence of "Law against torturing and other forms of inhuman or derogatory treatment hard or punishment" (L. 235/1990 and L. 2(III)/2009), via the computerized crime reporting system.

The Police statistics are based on the recorded crimes. The collected data includes the followings:

- Number of recorded cases
- Number of offenders
- Number of victims
- The offence date
- The reported date
- The reported month
- Detection rate.

The computerized crime reporting system includes more information about the recorded cases, such as a brief description of the case, details about the offenders and victims (nationality, age, name, id, gender, etc), all the offences regarding the case (one case might have one or more offences. For statistical purposes the case is categorized by the most serious one), the place of the offence, time of the offence, etc.

Question:

4. What measures have been taken to promote a human rights culture among the population and increase the level of human rights awareness in your country, including among public officials?

After the identification of training needs, the OoCTHB, in collaboration with the Cyprus Police Academy, prepare specialized courses to meet those needs.

On 6-7/11/2014, Police organized a seminar for Labour inspectors of the Ministry of Labour, Welfare and Social Insurance. The main subject of the seminar was the identification of trafficking cases and victims of THB, during labour inspections.

Question:

5. a. How have partnerships with civil society been strengthened to harness their experience and expertise to promote and protect human rights?

Answer:

In 2012, the Police established cooperation with the Cyprus Red Cross, which includes visits to detention centers for prohibited migrants from representatives of the Cyprus Red Cross, tracing of persons, information on complaints submitted as regards prohibited migrants detained by the Police and assistance from the Cyprus Red Cross to the Police in connection with the operation of the Menoyia Detention Center.

Furthermore, the Police in cooperation with Cyprus Red Cross is currently implementing a Program, which is funded by the Norwegian Funds, which will provide psychosocial support to the detainees at Menoyia Detention Center, as well as to the families of these persons.

Concerning trafficking in human beings, although there are no established procedures, there is a very good cooperation between several police departments dealing with trafficking cases, as well as with all the governmental departments and other nongovernmental organizations which deal with trafficking issues.

Question:

7. a. What legislative, judicial, administrative and other measures are in place to provide victims of human rights violations by State actors and abuses by non-State actors with an effective remedy?
- b. What measures are in place to ensure that all access such remedies practice?

Answer:

As concerning incidents including misconduct by members of the Police, further to Independent Authorities competent to monitor the Police, internal police mechanisms are established to ensure the professional standards of police work including investigation of complaints against police members. These mechanisms are listed in the answer 1 above "accountability mechanisms).

In cases of human rights violations by citizens, by the orders of the Chief of Police, circular letter dated 05/01/09, titled «Handling of Racial Cases», and circular letter dated 07/08/13, «Policy for the combating of racist violence, xenophobia and discrimination».

- all offences and/or incidents with a racial motive shall be investigated by a Police Sergeant or higher ranking officer and the investigation shall be monitored and coordinated by the local Divisional Assistant Police Commander in charge of Operations,
- Police members should demonstrate respect to and treat equally all individuals irrespective of racial, ethnic, religious or other origin,
- All complaints with regard to racial offences or offences with a racial motive are recorded promptly and investigated impartially with thoroughness by a Police Sergeant or a high ranking officer and are monitored by the investigator's line manager, as well as by the local assistant Police Commander in charge for the Operations.
- Members of the Police should never refer to members of racial, ethnic, religious or other communities in an offensive way or in a way that may contribute to a climate of hostility, fear and bias
- Racial profiling should be avoided.

According to article 35 of the L. 60(I)/2014, irrespective of and without prejudice to any other legal means or remedy established under any other Law or Regulation, a victim within the meaning of the above mentioned Law shall have a legal right to compensation against all persons responsible for committing the criminal offences under this Law and for violation of his/her human rights. The accused also has the corresponding civil liability to pay special and general damages to his victims, including any delayed debts from exploiting a victim's labour.

According to article 36 of the same Law, any victim regardless of its willingness to cooperate with prosecution authorities for the criminal investigation, prosecution or trial, has access to legal advice and legal representation to claim compensation under the Advocates' Law, and in the case where the victim does not have sufficient financial resources, he/she has the right to free legal aid under the Legal Aid Law.

According to the Legal Aid Law of 2002 (Law No. 165(I)/2002, as amended), legal aid is granted in proceedings before the Courts of Cyprus in, inter alia, civil and criminal proceedings for specific violations of human rights (According to the legislation, human rights violations are violations of the rights listed in Part II of the Constitution of the Republic of Cyprus, the European Convention on Human Rights and Fundamental Freedoms (Ratification) Law of 1962, the International Convention on the Elimination of All Forms of Racial Discrimination (Ratification) Laws of 1967 to 1999, the International Covenant on Economic, Social and Cultural Rights (Ratification) Law of 1969, the International Covenant on Civil and Political Rights (Ratification) Law of 1969, the Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment (Ratification) Laws of 1990 to 1993, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (Ratification) Law of 1989, the UN Convention on the Elimination of All Forms of Discrimination Against Women (Ratification) Law of 1985, the Convention on the Rights of Child (Ratification) Law of 1990)».