

kisa

Ισότητα, Στήριξη, Αντιρατσισμός
Equality, Support, Antiracism



Detention conditions and Juridical overview on detention & deportation mechanisms in Cyprus



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Europe
for Citizens

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I. Introduction

KISA – Action for Equality, Support, Antiracism is a NGO in Cyprus, founded in 1998 with the vision of promoting an all-inclusive multicultural society, free of racism and discrimination. Its activities are focused in the fields of Migration, Asylum, Racism, Discrimination and Trafficking, and they include campaigning and awareness raising of the Cypriot society as well as lobbying in order to influence the legal and structural framework, the policies and practices in these fields. and reform of the immigration and asylum framework in Cyprus. KISA operates a Migrant and Refugee Centre that provides free information, support, advocacy and mediation services to migrants, refugees, victims of discrimination, racist violence and trafficking in human beings and ethnic minorities in general, as well as promotion of the empowerment and self-organisation of migrants and refugees.

The present report is part of project “The Europeanization of national asylum and alien law in Cyprus, Italy and Spain: detention and detention centres for foreigners vs. the Return Directive”, which is funded by EACEA (Education, Audiovisual and Culture Executive Agency) of the European Commission, under the “Europe for Citizens” Programme. The project is coordinated by borderline-europe (Germany) in partnership with the NGOs Agoge and Mugak (Spain), Borderline Sicilia (Italy) and KISA (Cyprus).

The project is related to the transposition of the Return Directive, 228/115/EC and aims to provide information and to raise awareness regarding the conditions of detention and the deportation mechanisms in these countries.

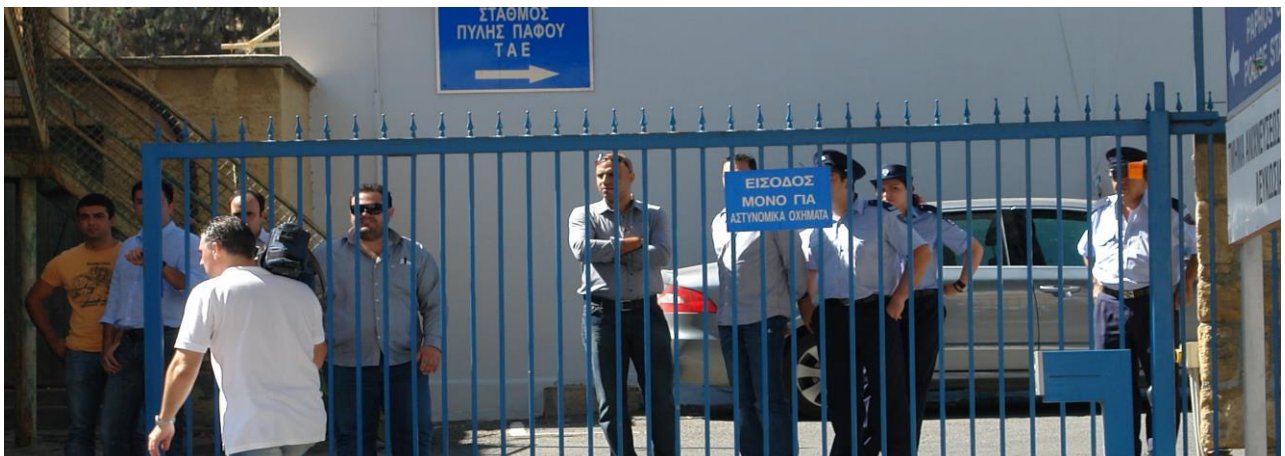
The present summary contains the information that KISA collected during the visits in detention places in Cyprus.

The visits to detention centres in Cyprus were conducted from 14 to 21 June 2013 by the following staff and volunteers of KISA:

- Doros Polykarpou
- Leandros Savvides
- Emilie Dubuisson
- Romanos Lyritsas
- Constantinos Constantinou

For the purposes of the research, the following seven detention centres and facilities were visited in June 2013:

- Administrative detention centre in Mennoyia
- High security detention centre in Lakatamia
- Blocks 9 & 10 at the central prison in Nicosia
- Detention facilities of the police station in Nisou
- Detention facilities of the police station in Aradippou
- Detention facilities of the central police station in Limassol
- Detention facilities of the central police station in Paphos



II. Methodology

A letter was sent to the Ministry of Justice and Public Order¹, informing them about the project and requesting permission to visit several detention centres and facilities in order to enable KISA to carry out interviews with detainees for the purposes of the project. Part of the information required from KISA by the Ministry included the number of detainees we wanted to speak with at each detention facility.

The Ministry granted us the requested permission to visit the above detention facilities within a time-frame of ten days.

stations in Nisou and Aradippou) allowed us access to their living spaces. Otherwise, we had to leave immediately. after the interviews with the persons specified. This was regulated by the head or officer in charge of each detention facility.

In every detention place, except of Mennoyia, interviewers were received by the chief of the detention centre or facility. In the administrative detention centre in Mennoyia, a several police officers were tasked with monitoring our presence.



The Ministry's permission specified that the interviews would take place in the presence of police officers and that KISA could select the particular detainees to interview. There was no time limitation regarding the duration of the visits but access to the living spaces of the detention facilities was strictly forbidden. Of the seven detention facilities, only two (police

The interviewing team for each visit comprised at least two team members. On arrival, we were first met by the head or officer in charge of each centre, who gave us a general overview of the detention conditions. Then some of the team conducted the interviews with detainees (when there were enough places to run several interviews at the same time, the team split up) and the others with police officers.

¹The Cyprus Police is under the Ministry of Justice and Public Order.

III. Executive Summary

Despite the transposition of the Directive 2008/115/EC into national law, undocumented migrants are still detained without respect of the new legal provisions. The government has not established a solid framework along with guidelines as to the implementation of the provisions of the Directive. Therefore, some decisions are arbitrary and depend completely on the will of the Migration Officer, a civil servant, without any political supervision.

The *Law for Legal Aid [8(I)/2012]* was amended in 2012, in order to provide to undocumented migrants the possibility of legal aid in applying against detention and deportation orders. It is important to note here, however, that legal aid may be only granted to challenge the legality of detention, through recourse, and not the legality of the duration of detention, which can only be challenged through a Habeas Corpus application. In addition, legal aid may be provided only if the applicants prove that there is a possibility of success and that they do not have sufficient resources to cover the expenses of the recourse on their own.

The implementation of the Directive has had a positive impact on the duration of detention, even though there have been cases where persons remained in detention beyond the absolute maximum period of 18 months. Moreover, the Supreme Court responded positively to the need to examine the legality of the duration of the detention period in habeas corpus applications. However, in some cases, the judgments of the Supreme Court are not respected in practice. Some individuals, who are released after their prolonged detention is judged to be unlawful, are immediately re-detained on the same grounds as before.

Detention appears to be a routine policy of the authorities and no alternative measures are considered. Very often, migrants are informed that they are considered to be “undesirable” and “prohibited” migrants only after their arrest and detention and, in many cases, not

even then. As a routine, third-country nationals do not receive any official information that their resident permits have been revoked. They consequently often receive detention and deportation orders without having been informed that they are not desirable anymore in the Republic of Cyprus. Moreover, although according to Article 15 of the Return Directive, detention is legal only in order to prepare the return and/or carry out the removal process, in Cyprus many migrants are detained without having any potentiality to be deported.

The people we interviewed at the detention facilities we visited were arrested for the following reasons:

- Their resident permit had expired.
- Their asylum applications had been rejected.
- They entered the country using illegal means/entries.
- They were trying to leave Cyprus without legal documents.
- They were using forged documents.
- They were asylum seekers whose files had been closed.
- They have been detained before, they do not have permission to stay in Cyprus and cannot be returned to their country of origin (this is especially the case for Iranian people).

In practice, the authorities do not always issue a return decision in writing and do not give strong reasons in facts and in law. Some detainees reported that they only received an oral statement of their arrest and detention. Some of them had difficulties to understand properly the reasons of their arrest and the information about detention as they do not speak Greek or English. Several detainees reported that the police had used violence during their arrest, and some were insulted and ridiculed. Moreover, none of the detainees we interviewed knew for how long they would remain in detention. Despite the limitation of

the duration of detention, which should not exceed six months, but which could be extended by an additional period of 12 months for strong reasons, some detainees remain in detention for more than 18 months. Moreover, it is difficult for detainees to challenge the decision of the authorities regarding their detention and deportation. They are usually not aware of their rights and it is impossible for them to appear before the Supreme Court while in detention. Among the 25 detainees we interviewed, none was aware of the possibility to apply for asylum or for being at the risk of trafficking. One of our major concerns is that now detainees have to find a lawyer by themselves and pay for these services. It is therefore difficult for people to receive legal assistance when they do not have money, as police officers make it difficult for undocumented migrants to contact NGOs that provide free legal assistance, such as KISA and the Future Worlds Centre.

Expulsions of migrants in Cyprus according to police statistics:

Year	Repatriation
2007	2,892
2008	3,231
2009	3,673
2010	3,265
2011 Sept.	3,048

Undocumented migrants continue to be detained in poor conditions in inappropriate facilities, without respect of their dignity. Despite the construction of the detention centre of Mennoyia, undocumented migrants continue to be detained together with persons who are in custody for criminal cases, and are treated as criminals. At the detention centre of Paphos District Police Division, unaccompanied minors

were detained together with persons charged with criminal offences. While there is a special wing for minors in these premises, unaccompanied minors are in contact with criminals during the time they spend in common spaces. The high security detention centre of Lakatamia in the Nicosia district has also a special cell for minors, although the purpose of the centre is not to detain minors, but persons awaiting trial.

In the detention facilities of Mennoyia and Lakatamia, detainees are locked for several hours a day in their cells, without access to outside spaces and they are not allowed to have outdoor activities. When detainees are transferred outside the detention facilities, to visit the hospital for instance, they are handcuffed, sometimes even during their examination by a doctor. According to the amended Alien and Immigration Law (Article 18 PZ) and to Article 16 of the Return Directive, special attention should be paid towards vulnerable persons, including provision of emergency health care. However, this provision cannot be guaranteed, since no medical care is provided in the detention centres in Cyprus. Moreover, psychological support is not provided either, which raises concern as detention usually causes distress and vulnerability.

Cultural diversity remains an issue that is not addressed in the detention facilities in Cyprus. Police officers are not trained either to respect cultural diversity, or on how to handle/avoid possible tensions between persons, who come from different cultural backgrounds. On the contrary, in some instances, police officers themselves seem to discriminate against detainees on the basis of their ethnic origin. For instance, we received complaints by detainees who reported that some police officers favour Iranian people.

IV. Legislation regarding detention in Cyprus

1. National law on migrant's detention

Detention of migrants is regulated under the Aliens and Immigration Law (CAP 105) as this has been amended, so as to be harmonised with all the relevant EU Directives on immigration. It is important to note that this law is dating back to the 1950's, when Cyprus was still a colony of the United Kingdom, and therefore it predates the Constitution of Cyprus as well as all the international human rights treaties and conventions ratified by Cyprus after independence.² As such, it is not aligned with the international obligations of Cyprus and it is premised on the principle of almost absolute state sovereignty over foreigners to treat them as they want, the only limitation being that the authorities should act in good faith according to settled case law of the Supreme Court.³ Harmonising this legislation with the EU standards and rules on immigration is a big challenge, but implementing and applying EU rules in the light of the above mentioned underlying philosophy leads, in the majority of the cases, to violations of EU and international human rights law.

According to the Aliens and Immigration Law, the Minister of Interior may issue arrest and deportation orders against any immigrant, who

is considered to be a "prohibited immigrant,"⁴ and at the same time order his/her detention

² Although the Constitution included transitional provisions and provided for the need to review all colonial legislation so as to comply with the Constitution and the European Convention of Human Rights, the Aliens and Immigration Law was never reviewed to that effect until today. The amendments made for the transposition of the EU immigration directives add merely new provisions, without any review of the legislation to properly transpose the relevant directives.

³*Moyo Sydney Alfred and Another v The Republic of Cyprus through the Minister of Interior and Others* (1988) 3 CLR 1203

⁴ A prohibited immigrant is (a) any destitute person; (b) any idiot or insane or feeble-minded person or any person who for any other cause is unable to take proper care of himself; (c) any person certified by a medical officer to be suffering from a contagious or infectious disease which, in the opinion of the medical officer, is a danger to public health (d) any person who, not having received a free pardon, has been convicted of murder or an offence for which a sentence of imprisonment has been passed for any term and who, by reason of the circumstances connected therewith, is deemed by the immigration officer to be an undesirable immigrant; (e) any prostitute or any person living on the proceeds of prostitution; (f) any person who, from official Government records or from information officially received by the Governor from a Secretary of State or from the Governor of any British Colony, Protectorate of Mandated Territory or from the Government of any foreign State or from any other trusted source is considered by the Governor to be an undesirable person; (g) any person who is shown by evidence which the Governor may deem sufficient, to be likely to conduct himself so as to be dangerous to peace, good order, good government or public morals or to excite enmity between the people of the Colony and Her Majesty or to intrigue against Her Majesty's power and authority in the Colony; (h) any member of an unlawful association as defined in section 63 of the Criminal Code or any Law amending or substituted for the same; (i) any person who has been deported from the Colony either under this Law or under any enactment in force at the date of his deportation; (u) any person whose entry into the Colony is prohibited under any enactment for the time being in force; (k) any person who enters or resides in the Colony contrary to any prohibition, condition, restriction or limitation contained in this Law or any Regulations made under this Law or in any permit granted or issued under this Law or such Regulations; (l) any alien who, if he desires to enter the Colony as an immigrant, has not in his possession, in addition to a passport bearing a British Consular visa for the Colony, an immigration permit granted by the Chief Immigration Officer in accordance with any Regulations made under this Law; (m) any person who is deemed to be a prohibited immigrant under the provisions of this Law.

until deportation measures are enforced. Section 14 of the law does not provide for a minimum or maximum period of detention, or the place of detention, or any other details regarding detention for the purpose of deportation. Courts do not have jurisdiction to decide the deportation of any migrant, either as a penalty or as an additional consequence of criminal conviction. However, the immigration authorities have the power to declare an immigrant convicted for a criminal offence as a “prohibited immigrant” and to order detention and deportation immediately after the prison sentence is served. As a result, migrants convicted for any type of criminal offence are not usually released after they serve their sentence, but continue to be detained on the basis of administrative detention orders for the purpose of deportation. The above policy is implemented indiscriminately, against any migrant convicted for any type of criminal offence, even against asylum seekers or victims of trafficking, irrespective of the crime committed and whether is relevant to their situation. Detention for the purpose of deportation may be only decided by the Minister, or any authorised person – usually either the Permanent Secretary of the Ministry of Interior, or the Director of the Civil Registry and Migration Department.⁵

Up to 2012, detention of migrants was taking place mostly in police detention facilities in various police stations all over Cyprus, which were designed for the detention of persons for a very short period of time. Those detention centres are of poor and often inhumane conditions and have been heavily criticised and condemned by national and international human rights organisations as well as monitoring bodies of the Council of Europe.⁶ At

⁵ After the election of the new Government in February 2013, the Minister of Interior as of May 2013 assigned his powers to issue detention and deportation orders to the Director of the Civil Registry and Migration Department.

⁶ Amnesty International, *Punishment without a crime: Detention of migrants and asylum-seekers in Cyprus*, 2012 <http://www.amnesty.org/fr/library/asset/EUR17/001/2>

the beginning of 2011 a special law and regulations were enacted on special detention centre for “prohibited immigrants,” to allow for the use of newly built Mennoyia Detention Centre to be used exclusively for the detention of migrants, including asylum seekers, pending their deportation.⁷ Despite the adoption of detailed regulations specifying the conditions of detention and the rules applicable in such Detention Centres, which are trying to reflect the nature of the detention as administrative rather than criminal, in practice those are not implemented and detainees file numerous complaints for the violation of their rights while in detention.⁸ A few months after the enactment of the above mentioned regulations, with a delay of almost one year from the transposition deadline envisaged, Directive 2008/115/EC was transposed into national law⁹ by amending the Aliens and Immigration Law. The Directive was basically copied almost in verbatim in the law without amending any other sections of the law, such as Section 14 of deportation and detention, so as to align those provisions with the new harmonised legislation. As a result,

[012/en/36f06387-9ce6-43df-9734-a4550fa413d6/eur170012012en.pdf](http://www.coe.int/en/012/en/36f06387-9ce6-43df-9734-a4550fa413d6/eur170012012en.pdf)

Report to the Government of Cyprus on the visit to Cyprus carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), 2008: <http://www.cpt.coe.int/documents/cyp/2012-34-inf-eng.pdf>

Ombudsman’s report on detention centres: http://www.ombudsman.gov.cy/Ombudsman/ombudsman.nsf/presentationsArchive_gr/presentationsArchive_gr?OpenDocument

Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to the Republic of Cyprus on 7-10 July 2008: https://wcd.coe.int/ViewDoc.jsp?id=1385749&Site=Com_mDH&BackColorInternet=FFC65B&BackColorIntranet=FFC65B&BackColorLogged=FFC679

⁷ The Law on the Places of Detention for Prohibited Immigrants (Law No 83(I)/2011) and the Places of Detention for Prohibited Immigrants Regulations of 2011 (I.P. 161/2011)

⁸ Testimony of Ali Asgari: http://www.youtube.com/watch?feature=player_embedded&v=AhDxz_7EKcg

Discontent brew at new detention centre: <http://ffm-online.org/2013/04/02/>

⁹The Aliens and Immigration (Amendment) Law No 153(I)/2011

immigration authorities continue to use their old colonial powers to deport and detain migrants irrespective of the new harmonised provisions of the law. It is not an exaggeration to conclude that in many of its aspects, the Directive remains largely unimplemented. For instance, under Article 8 §6 of the Return Directive, Member States shall provide for an “effective forced-return monitoring system.” Despite the transposition of the Directive into national law, such a system has still not been implemented in Cyprus. The Council of Ministers decided in December 2012 to give this responsibility to the Office of Commissioner of Administration and Human Rights (Ombudsman), however, this will not be implemented before July 2014, and after certain issues pending before the EU Commission are clarified, according to the CRMD and the Ombudsman’s office.

such as Article 14 of the Aliens and Immigration Law mentioned above, in order to properly transpose the Directive into national law.

Moreover, despite the scope of the Directive being limited to undocumented third country nationals, in Cyprus the relevant legislation is applied routinely to asylum seekers in detention, pending the determination of their asylum applications, in cases they have filed the asylum application after their arrest or if they are prohibited immigrants on other grounds such as because of convictions. Finally the Ministry of Interior and the CRMD apply the provisions of the Directive also to EU nationals and members of their family who are third country nationals, in particular in cases they cancel or revoke their registration or residence card or reject applications on grounds of marriages of convenience or of the couple not living together e.t.c. despite the fact the

Directive does not apply to persons with a right to free movement in the EU.



The new law provides for the procedures to be followed for the removal of undocumented migrants. The Directive provides in Article 4 that it “shall be without prejudice to any provision which may be more favourable for the third-country national.” However, the Government not only did they not adopt more favourable provisions, but they merely copied the provisions of the Directive, without amending relevant national law provisions,

Under the law, return decisions, entry-ban decisions, and decisions on removal shall be issued in writing and be justified in fact and in law. However, such decisions are not always justified and do not mention the legal grounds, whereas the facts are rarely mentioned in the decision or are very general in nature. The authorities should also provide the migrant with information regarding the legal remedies available. In practice, nonetheless, the person concerned is only informed of their right to

appeal at the Supreme Court, but not of their right to apply for legal aid, if they do not have sufficient means of subsistence. . Migrants are not aware of their rights and it is therefore more difficult for them to challenge the decisions taken by authorities.

When a return decision is issued, a period of voluntary departure should be allowed, after which a removal order may be issued if the migrant does not comply with the decision. The person concerned has to be informed in writing about this procedure, in accordance with Article 7 of the Return Directive. However, in the majority of the cases, third country nationals are requested to leave Cyprus “at once” and/or they do not receive this letter and/or due to changes in their address they may not receive it on time or very often detention and deportation measures are issued before the expiration of the period of voluntary return and therefore, they are not aware that a return decision has been issued against them. As a result, very often they cannot challenge the return decision or they cannot request any extension of the period for voluntary return and they are eventually apprehended on the basis of detention and deportation orders for failure to comply with the return decision, if issued. The principle that forced returns should be the last available option is not implemented. The principles of the best interest of the child, the family unity and the non-refoulement, should be taken into account when implementing the Directive. However, these principles are very often violated as the law does not include such provisions and safeguards in order to enable the proper implementation of those principles as a result of which very often families with children are separated for too long a time pending deportation, children are left without their parents while their parents are detained whereas the interest of the child is not the primary consideration when deciding to issue a return decision. Moreover, there have been cases of Dublin returns that the principle of non refoulement has not been respected. Excessive

powers of the Director of the CRMD are not accompanied with certain procedural or substantial safeguards as a result of which, these powers been exercised more often than not in abuse of power.



The Director of the CRMD, Ms. Anni Shiakalli

Moreover, the Aliens and Immigration Law includes provisions granting discretionary power to the Council of Ministers at any given moment during the return procedure to grant the persons concerned a residence status on humanitarian, compassionate, or any other grounds. This has however never been implemented in practice, despite applications made by third country nationals to that effect. There is no information or a standard procedure available for accessing this possibility, whereas applications made through letters to the Council of Ministers were never answered and deportation procedures continued without an answer been given. KISA has filed such applications on behalf of migrants, but we never received an answer from the Council of Ministers.

The law provides that detention should always be used as a measure of last resort and only if other measures have been tried and failed, in accordance with the Return Directive. Moreover, detention is legal only in order to prepare the return and/or carry out the removal process in due diligence and in particular when there is a risk of absconding, or

if the migrant hampers, or avoids the return procedure. Any detention shall be for as short a period as possible and only maintained as long as removal arrangements are in progress and executed with due diligence. Very often authorities postpone removal and/or are doing nothing for the removal of persons concerned in cases of asylum seekers, whose application is still pending, or in cases of families with children who are stateless or when they re-examine any applications made on behalf of third country nationals. Despite the postponement of removal or suspension of deportation measures through a court order, when relevant, detention is not postponed or suspended, resulting thus in long detention periods while no measures are taken for their deportation.

The duration of detention is that provided in the Directive, which is a maximum period of six months as a rule that can be extended for an additional period of 12 months under the requirements provided by the Directive. The Minister of Interior has the obligation to review the duration of detention every two months *ab initio* and every time this is requested by the migrant. However, and in violation with Article 15 of the Directive, instead of evaluating detention cases individually, the Minister always takes a collective decision to extend all detentions a further 12 months without proper justification, in the majority of the cases using as an excuse that the third country national does not cooperate with the authorities for their deportation, without explaining why this is the case. Moreover, in practice there is not any evaluation of the duration of detention every two months as provided by the law.

Another reason leading to long detention periods of third country nationals, sometimes well beyond the maximum period of 18 months, is in case the third country national is convicted for a criminal offence, in the majority of the cases related to their immigration and/or asylum seeker status. Third country nationals apprehended for illegal employment or illegal

stay or entry or asylum seekers apprehended trying to travel with forged documents in another member state to seek asylum, are always prosecuted and convicted for a criminal offence. As a result, because Cyprus excluded from the scope of the Directive persons convicted for a criminal offence, such persons may end up in detention for long periods, without any assessment from the Minister of Interior, who has now delegated this power also to the Director of the CRMD, on the duration of detention and very often beyond 18 months.

The legality of detention may be challenged through recourse before the Supreme Court under its revisional jurisdiction,¹⁰ whereas the legality of the length of detention may be challenged before the Supreme Court with a Habeas Corpus application.¹¹

The legality of detention through recourse may be only challenged within 75 days from the day of the notification of the detention order. Judges cannot act *ab initio* and do not supervise the legality of detention automatically. Only migrants themselves may initiate court procedures in order to challenge the legality of their deportation and detention. The Legal Aid law was also amended when the Directive was transposed in the Aliens and Immigration Law, so as to provide undocumented migrants the possibility to file a legal aid application to appeal against detention and deportation orders. However, legal aid may be only granted to challenge the legality of detention through recourse and not the legality of the duration of detention through a Habeas Corpus application. In addition, legal aid may be only provided if the applicants prove possibility of success and if they are lacking sufficient financial resources. The obligation of the applicant to prove

¹⁰Exclusive jurisdiction of the Supreme Court to review the legality of all administrative decisions on the basis of Article 146 of the Constitution.

¹¹ This distinction in the jurisdiction of the Court creates many obstacles in properly challenging the legality of detention in terms of both the requirements of legal detention and its duration.

possibility of success of their cases, while not being represented by a lawyer in that procedure, impacts also on the numbers of successful legal aid applications. Up to now, only a handful of legal aid applications have been accepted by the Supreme Court in cases where either the applicants were supported by NGOs, or judges were willing to justify success by themselves.



Blessing ceremony of the Mennogia detention Center

The Law provides that detention shall take place as a rule in specialised detention facilities, namely the Mennogia detention centre, which is the only detention centre declared by the Minister of Justice as a specialised centre for the detention of migrants. Where detention is taking place in police detention centres other than Mennogia, migrants are supposed to be kept separated from ordinary prisoners, which

in practice, is not implemented at all. Migrants are routinely mixed with detainees for criminal cases and therefore treated like prisoners. Moreover, district police divisions and local police stations are not adapted for long-term detention, but, in practice, undocumented migrants are detained there for several months. Even in Mennogia Detention Centre migrants are handcuffed as soon as they go out from Mennogia, even at the hospital and during the medical examination or in Court procedures. Persons in detention are allowed to establish in due time contact with legal representatives, family members, and competent consular authorities. In practice, these contacts are very limited and controlled by the police. The law provides that particular attention shall be paid to the situation of vulnerable persons and that emergency health care and essential treatment of illness shall be provided. National, international, and nongovernmental organisations and bodies have access to the detention centres after permission from the Police, which runs the centres. According to the law, migrants are supposed to be systematically informed on the rules applied in the facility and on their rights and obligations; this however is not always implemented in practice. On the contrary, despite detailed regulations providing for the rights and obligations of migrants in detention, very little is known to them and very often those rights are violated.

Unaccompanied minors and families with children under 18 years old shall only be detained as a measure of last resort and for the shortest period of time. In practice, however, unaccompanied minors are detained not as a measure of last resort, but routinely as an automatic measure when they are found to have illegally entered or resided in the country, or attempting to travel abroad using fake travel documents. Families with children younger than 16 years old are usually not detained, but only because the special facilities for families designed to be built in Mennogia detention centre are not operational yet. Usually, one member of the family (customarily, an adult

man) is detained, in order to put pressure on the family to leave the country. However, recently families have been separated from their children, through detention of both parents, leaving the children under the care of welfare services or in cases of single parents families, the parent is detained and the children remain alone under the care of welfare services who place children in foster families.

The law provides that children in detention shall have the possibility to engage in leisure activities, including play and recreational activities appropriate to their age and shall have, depending on the length of their stay, access to education. Unaccompanied minors shall either be placed under foster care, or be accommodated in institutions with personnel and facilities that take into account the needs of persons of their age. However, as mentioned above, they are very often detained instead of accessing such institutions.

The principle of the best interest of the child must be a primary consideration in the context of the detention of minors pending removal, but

in Cyprus this does not seem to apply. Unaccompanied minors, who are not believed by the state to be underage, even when they prove it with their birth certificates, face deportation.

KISA is also concerned about the implementation of the provisions regarding the entry ban. The length of the entry ban shall not exceed five years and shall be withdrawn or suspended if the third-country national proves that they left the territory conforming to a return decision. In practice, when the authorities issue a return decision against an undocumented migrant, the name of the migrant is placed on the stop list by the Immigration police within two or three weeks. After the person has been deported, their name remains on the stop list for an indefinite period (minimum ten years years). This violates Article 11 of the Directive. Migrants are in law allowed to submit a request for re-examination of the entry ban, however this is rarely done in practice due to obstacles put forward by the authorities, such as never answering the requests for re-examination of an entry ban.

2. The failure of the state to provide for an effective remedy

One of the main and serious concerns over the way the Returns Directive was transposed into the national legal order, is the failure of the state to provide for an effective remedy in line with the obligations under article 13 of the Directive, as well as under Article 47 of the Charter of Fundamental Rights of the EU, the case law of the CJEU and the ECtHR. The remedy available as mentioned above is the recourse to the Supreme Court as regards the legality of deportation and detention orders and habeas corpus as regards the length of detention. Recourse to the Supreme Court does not bear automatic suspensive effect,¹² whereas

the scope of judicial review is limited to the mere legality of the decision and does not go into the merits of the case. As a result, the Supreme Court cannot examine if deportation should be executed or not and cannot examine if detention is illegal in the sense that the requirements of the law for legal detention are fulfilled. The Supreme Court can only review the decision as far as this is flawed in facts, flawed in law, or if the administration authorities exercised their discretion and their powers in accordance with the general principles of administrative law. Moreover, the separate jurisdiction of the Supreme Court, in

¹²In order to suspend deportation and detention orders, one needs to submit in the context of the recourse an ex

parte application, which normally takes up to a month to be examined and needs to prove blatant illegality of irreparable damage.

examining the legality of detention in recourse and the legality of the duration of detention in a habeas corpus application, creates obstacles as de jure and de facto, the duration of detention is also an element which is inherent in the legality of detention. Furthermore, the legality of detention may be examined only once, in the context of a recourse, which has to be submitted within 75 days from the communication of detention and deportation orders. Recourse to the Supreme Court takes on average one to one and a half years to be concluded; therefore, it does not comply with the speediness requirement provided in the Directive, but also in the ECtHR case law. Cyprus was recently condemned by the ECtHR in the case of *M.A. v Cyprus*, Application no. 41872/10, Judgement of 23 July 2013, where the Court found Cyprus to be in violation of Article 13 taken together with Articles 2 (right to life) and 3 (prohibition of torture, inhuman and degrading treatment), due to lack of an effective remedy available to the applicant to challenge his deportation, and Article 5 §§ 1 and 4 (right to liberty and security), due to the unlawfulness of the entire period of detention pending deportation without an effective remedy at his disposal to challenge the legality of his detention. The Court took into consideration the lack of automatic suspensive effect of a recourse to the Supreme Court, the length of judicial proceedings, the lack of readily available legal aid, and touched upon the limited scope of judicial review of the Supreme Court, but did not examine it further, as it found that the remedy was not effective on the basis of the other elements of the judicial protection system.

Access to judicial procedures and to an effective remedy has been further curtailed since the operation of the Mennoyia detention centre, due to obstacles laid by the authorities and the denial of the Police or any other authority to assume responsibility in facilitating migrants to submit legal aid applications and to make affidavit statements necessary in ex parte applications and habeas corpus applications.



The authorities therefore violate Article 13 of the Directive as migrants are usually unable to challenge the lawfulness of their detention due to the paucity of free legal aid. They are not provided with free legal advice and are not informed of their right to apply for legal aid for the purposes of their appeal. Furthermore, as a result of detention, many migrants remain without access to judicial review before the Supreme Court.

The positive impact of the Directive can be found in terms of the duration of detention, as it is now limited in maximum time, even though there have been cases that persons remained in detention arbitrarily beyond the absolute maximum period of 18 months.

Moreover, the Supreme Court, in the majority of its judges, responded positively to the need to examine the legality of the duration of detention in habeas corpus applications. Despite that, however, there is a persistent practice of the immigration authorities to arrest migrants set free by the Court in the context of habeas corpus applications, immediately upon their exit from the Court room, on the basis of new detention and deportation orders, despite the fact that the previous ones may have not been challenged and in any case not examined in the context of the habeas corpus application. There is a serious concern over this practice, which violates Article 15 of the Directive and against which there is not any effective remedy, as there is no legislation regulating the

consequences of the administration failing to comply with Court decisions.¹³

Apart from the maximum length of detention, which is now enshrined by the law, the transposition of the Returns Directive remains a problem in practice: whereas the legal impact was positive since, for the first time, detailed procedures have been provided in the case of the return of migrants, in practice little has changed as the authorities continue to ignore the new harmonised provisions of the law. Much therefore depends on the willingness of the Supreme

Court to interpret the provisions of the law and also to initiate preliminary ruling requests from the CJEU¹⁴, when not sure on how to interpret

relevant provisions of the Directive.

On a positive note, the Supreme Court, recently deemed deportation and detention orders against a migrant domestic worker, who had been considered by the Director of the Civil Registry and Migration Department as a “prohibited” third country national, because her residence permit was revoked, as blatantly illegal,

because the procedure provided in the law before issuing removal/deportation orders was not followed and issued an order for the suspension of deportation and detention of the migrant worker,¹⁵ a measure very rarely granted by the Supreme Court to third country nationals.



¹³ The only procedure available is contempt of court procedures, but only when the administration violates an interim order issued by the Court. It cannot be applied in relation to decisions in habeas corpus applications.

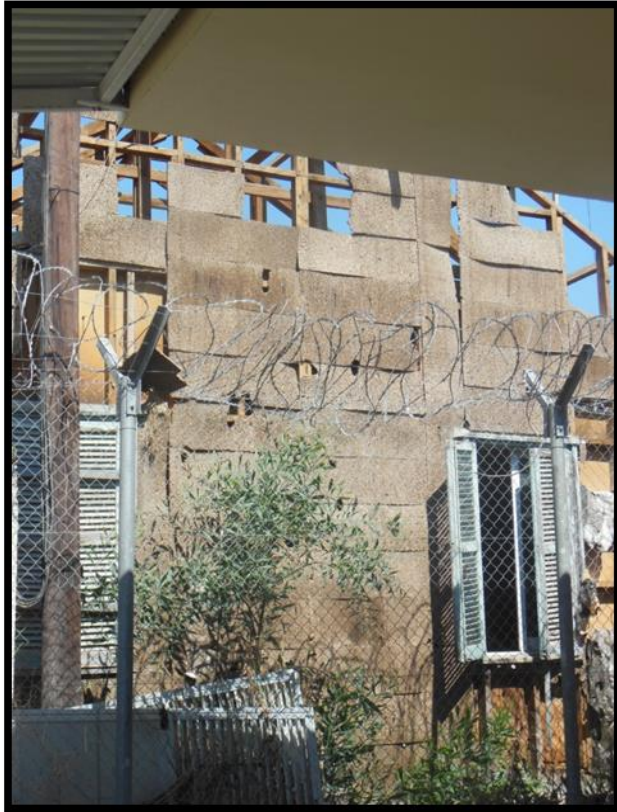
¹⁴ The Supreme Court and courts in general are very reluctant to use the preliminary ruling procedures of the CJEU when it comes to the interpretation of the EU law. Since 2004, upon accession to the EU, only 3 preliminary ruling requests have been submitted at the CJEU.

¹⁵ *NALANI RANASIGNHE RUPASSARAGE v. Republic*, Application No. 5551/2013, 19/7/2013

V. Findings of the visits in detention facilities

1. Blocks 9 & 10, Nicosia central prison

1.1. Visit proceedings



View from the waiting room in Nicosia central prison

We visited the detention facilities of Blocks 9 & 10 on the 17th of June. Five persons from KISA took part in the visit. Blocks 9 & 10 are located in the premises of the central prison in Nicosia.

We waited about 45 minutes in order to be allowed to enter the facilities. The reasoning of the delay was that our request to bring a computer inside the detention facilities (to facilitate note taking) had to be examined. The police officer that we met at the entrance of the prison did not want to allow us so. The problem was that Block 9 and 10 do not have their own

entrances, but can only be reached via the open space of the Central Prison facilities (a distance of approximately 300m way from the entry point to the detention facilities). The control of this area is not under the immigration police, but under the director of the Central Prison and the rules applied are those provided under the Law for the Prison. In this case, it was the director of the central prison and not the police officer in charge of the detention facilities, who prohibited carrying a computer, as electronic equipment is not allowed to be transferred within the area of the central prison. Therefore, we had to call the headquarters of the Police in order to receive permission. We had then to leave our electronic equipment (phone, camera) in a locker located at the entrance of the prison and walk through a metal detector. After the security check, we were driven to the detention facilities (Blocks 9 & 10) by a police car.

The police officer in charge of the detention facilities received us. He was welcoming and gave us some general information about the detainees and the detention facilities. He answered to all of our questions and gave us the list of the current detainees. We had the option to “choose” whom we wanted to speak with. He also informed us in detail of the case of each detainee, so as for us to understand the reasons of their detention. The police did not attend our interviews, which enabled the detainees to be comfortable and feel free to speak with us.

1.2. Findings of the visit in Block 9 & 10

a) Description of the detention facilities

Women detainees were located in Block 9 and men detainees in Block 10. The two blocks were divided and there was no possibility for communication between the detainees of the two blocks. Each cell could accommodate two persons. Detainees were not separated by nationality, but they were mixed in the cells. The cells were always open, both in daytime and during the night. Detainees had to wake up at 9a.m. every day and had breakfast. They had the option either to stay in their cell, or to go in common spaces. There was a hall with a television. The sanitary facilities were outside the cells.



The external yard is accessible only 5 hours a day, at different time for men and women as they are not allowed to have contact. Men have a volley field in their yard.

b) Composition of the detainee population

During our visit, the facilities were overcrowded. There were 11 women and 39 men detainees, while the maximum capacity was 10 women and 37 men. Most of the men detainees were citizens of Iran, Bangladesh,

Syria, and Algeria. Most of the women detainees were citizens of Vietnam, Sri Lanka, and Philippines.

c) Length of detention

The detainees we interviewed did not know for how long they would be detained. During our visit, some detainees were detained for more than 18 months.

d) Detention as the last resort

Detention is used as the first means to materialise a return decision, of which some detainees are informed by the Immigration Police with a verbal statement.

e) Access to information

Detainees do not always receive information about the possibility to apply for asylum, or about the fact that persons, who are recognised as victims of trafficking are protected. The detainees we interviewed were informed only orally of the reasons of their detention.

f) Right to communication

The contact with the world outside the detention facilities was highly restricted, as detainees were not allowed to have their mobile phones with them. Phones were kept in lockers and detainees were allowed to use them only one hour per day. People who had camera on their phones were not allowed to take pictures.

Detainees could receive visits every day except Friday. Each visit could last maximum one hour.

g) Access to health care

Access to health care was poor, since there was only one doctor visiting the facilities every Tuesday. Detainees complained that he only gave painkillers. There was no psychological support.

h) Life in detention: nutrition and activities

The detainees reported lack of hygiene in relation to the food. They could eat wherever they wanted.

Activities were generally restricted, but much more for women, who had no access to sports, in contrast to men, who had some access to sports. The women we interviewed reported that they could not have any activities, since there was not even a ball to play outside. On the other hand, male detainees reported that they could play volley-ball in the yard.

i) Access to legal aid and court proceedings

Detainees reported they could obtain the contact details of a lawyer with the help of other detainees, that is they shared information among them, but there was no official material with such information. Moreover, they were not aware of the possibility to file an application for free legal aid.

j) Cultural diversity and human relations between detainees

There was no policy in place to handle the issues rising from cultural diversity. For instance, there was no worship place and detainees had to pray most of the time in their cells. This was a problem for some of them: a Vietnamese woman reported that since there

was no specific place to pray, she could only pray “in her head.”

Although detainees were not segregated by nationality, we noticed that usually, they stayed with persons from their own ethnic and religious group.

Even though this was not explicitly said, there was a hierarchy among detainees. At the top of this hierarchy were Iranian detainees, who seemed to be the most privileged. Some of them, who were detained for a long time, were allowed to use two phones and could stay in the yard for many hours, contrary to other detainees. People from Bangladesh were at the bottom of this hierarchy.

k) Vulnerable groups, including unaccompanied minors

There were no minors detained in these facilities during our visit.

l) Access to detainees’ rights and treatment by the administration (discipline/punishment)

Upon their arrival, the detainees received a booklet describing the rules of the detention facilities. Detainees could not ask to change rules. If detainees needed something, they asked the Police. The people we interviewed were not aware of their right to complaint against the detention conditions. A detainee reported a hunger strike by another detainee, which lasted one month. As reported to KISA, once, detainees started a fire in the centre as a form of protest against their detention. The response of the administration of the centre was to exercise violence to stop the protest, beating detainees up and moving some of them to other detention facilities.

2. High Security Detention Centre in Lakatamia

2.1. Visit proceedings

We visited the high security detention centre of Lakatamia police station on the 18th of June 2013. Two persons – both of them men, one of them from KISA – conducted the visit.

Lakatamia detention centre is built as a high security detention place for persons under trial and persons, who are in detention with court orders while the police is investigating a case/cases against them (for criminal offences), and not as a detention centre for undocumented migrants. As a result of its character as a high security detention centre, there are no common facilities, no yard, and no windows.



When we arrived, no bags were checked and no metal detectors were present in order to scan our belongings. At the entry point there was a button, which signals the presence of a person outside the centre. After pushing the button, the door opens automatically. At the reception, we

had to give our details (name and surname and the organisation we were representing). The police officers seemed to be informed of our visit, but not of its time. Immigration officers were not present during the interviews.

An officer was expecting us and took us to the interview room. We asked information about the minor, who was detained there. The officer, although cooperative, seemed to be in a hurry to leave from the room. He brought the unaccompanied minor for the interview and, although there was a condition that the officer should have an audio and visual contact with us during the interview, he left the room leaving the interviewer and the interviewee alone. The

interviewer and the first interviewee were offered a cold beverage. We asked for the list of detainees, but the police did not respond to our request and brought a random person to interview.

During our visit at the detention facilities of Lakatamia, the police officers, although polite, seemed to treat us with distrust, asking various questions regarding the purpose of the data collection.

2.2. Findings of the visit

a) Description of the detention facilities

Many detainees complained about being detained in the same facilities with persons, who were in custody for offences, such as

robberies and selling drugs, or more serious crimes, such as murders.

Each cell has the capacity to accommodate one person. Sanitary facilities (WC) are located

inside each cell, whereas showers are outside the cells.. The only piece of furniture in each cell is a table. Cells have no windows and no access to natural light, or fresh air. The facilities are designed for short term detention and therefore, there is no provision for such access.

Detainees have to be in their cells from 14:00 till 17:00 and from 23:00 till 8:00. They do not have access to any sports, or any other athletic activities.

Description of a typical day in Lakatamia detention facilities:

08:30-9:00: breakfast

09:00-13:00: no plan

13:00: lunch in the eating room

14:00-17:00: detainees are locked in their cells

17:00-23:00: no particular plan

23:00 - 8:00: detainees are locked in their cells.

b) Composition of the detainee population

Around 1300 persons were detained in Lakatamia in 2011; 60% to 70% were migrants without a legal resident status. These figures were the same in 2012. Between January and June 2013, there were about 400 detainees, 30% of which were migrants detained as "undesirable." The number of detainees decreased since the opening of the administrative detention centre in Mennoyia. We could not get any exact statistics as there is no computerised system in Lakatamia police station.

c) Length of detention

We were not provided with statistics about the average duration of detention of migrants.

d) Detention as the last resort

Detention is used as the first means to materialise a return decision. Detainees

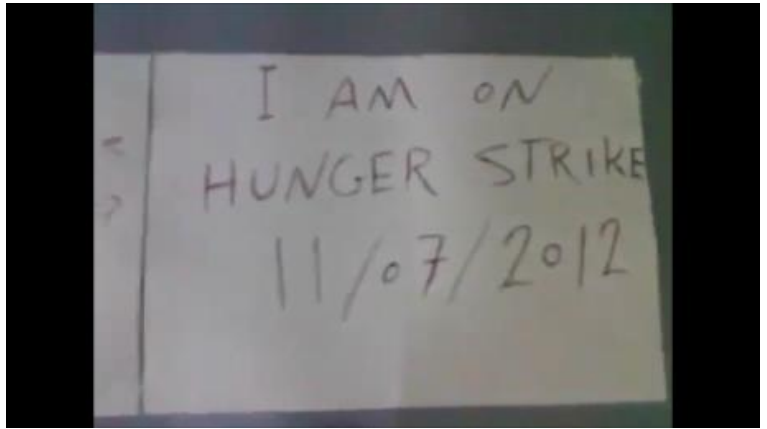


Photo during a hunger strike in Lakatamia Detention Center

reported that they were not informed in written about the reason(s) of their arrest and detention, but only orally.

e) Access to information

Detainees were unaware of the period they would remain in detention. They were also not aware of the fact that every two months there should be an evaluation of their cases, in order to either renew the arrest and detention orders or be released. Detainees were also not informed either of the protection that victims of trafficking can seek for, or of the possibility to apply for asylum while in detention.

f) Right to communication

The contact with the outside world is limited as detainees can use their phones only one hour and a half every day, usually between 15:00-17:00. Detainees reported they were allowed to use their cameras inside the facilities. Detainees, who do not own a mobile phone, are allowed to make domestic calls from the landline of the facilities for free.

During visitations, detainees have to sit behind a glass wall and speak through a phone . They can receive visits every day.

g) Access to health care

There is no medical staff inside the facilities. If detainees want to visit a doctor, they first have to report it to a police officer. If the Police agree, the detainee can be taken to the general hospital, but this involves a slow procedure, as admitted by the police officer himself.

In Lakatamia detention facilities there is a room, where medicines are stored. When a detainee complains for a headache for instance, they are not referred to a doctor, but a police officer takes them to that room and gives them some medicine without prescription - usually painkillers.

As soon as somebody is detained in Lakatamia detention facilities, they undergo health checks concerning hepatitis, tuberculosis, and HIV.

h) Life in detention: nutrition and activities

All detainees that we met reported that were satisfied with the food. However, they did not have any special dietary needs and they did not know whether such needs are met, if someone has them. None of the interviewees reported any significant change in their health during their detention.

Detainees in Lakatamia are allowed to have books, but only if a visitor brings them - they are not given any books by the administration, but only newspapers. They do not have access to computers, TV, or other electronic devices and they do not have access to any kind of outdoor space, or sports activities either. There is no internet connection and no educational or recreational activities are provided.

i) Access to legal aid and court proceedings

Detainees, who reported that they have a lawyer, also reported that they had to find and pay their lawyer by themselves. They do not have access to free legal aid, even if they cannot afford a lawyer.

j) Cultural diversity and human relations between detainees

In Lakatamia detention facilities there is no pray room, or any other place/building especially for religious purposes.

Police officers are not trained on how to deal with detainees, who are minors. All detainees, including unaccompanied minors, are treated like persons in custody for criminal offences. As the police officers reported, the police are only responsible for "keeping detainees in the building" and "everything else is the responsibility of the Immigration."

Detainees reported some clashes between them, but such clashes can be explained by the frustration that many people feel while in detention.

k) Vulnerable groups, including unaccompanied minors

During our visit in Lakatamia detention facilities, we found one unaccompanied minor, who was detained in a separate wing, in isolation basically, since he was the only detainee of the wing. Detaining unaccompanied minors alone in a separate wing is the standard practice of the administration of the facilities. As he reported, he had privileged treatment in terms of access to some material goods, as well as of flexibility of time outside the cell. Visual contact between the minor and the other detainees was impossible, but there was some communication between them, as he could hear perfectly the other detainees, since the two wings, although separate, are very close to each other. As he reported, nobody investigated the possibility he has been trafficked and he was not informed either of what constitutes trafficking of human persons, or of the protection trafficked persons are entitled to.

I) Access to detainees' rights and treatment by the administration (discipline/punishment)

Detainees reported they believe they have no way to change any rule. The rules are strict due to the fact that persons in custody for criminal cases are also detained in the same space. Detainees are not aware of their rights. A detainee reported that he heard about Iranian persons protesting against



the rules and the conditions of the detention facilities and explained that their case as Iranians is a particular one, as they cannot be deported if they do not hold travel documents, or if they do not ask themselves their embassy to issue/renew them travel documents. Therefore, on the one hand, they do not fear deportation and, on the other hand, they are detained for long periods of time under the afore-mentioned conditions, which can cause them frustration. For these reasons, there have been more protests by detainees from Iran than other detainees.

The detained minor whom we interviewed, reported that he once tried to go on a hunger strike demanding to know when he would be

Photo during a hunger strike in Lakatamia Detention Center

released. The administration of the detention centre informed the headquarters of the Police.

As reported, sometimes detainees go on hunger strike for one or two days in order to draw attention to their demands. Detainees, who are considered to misbehave, or have broken some rule of the detention centre, are usually locked into their cells for one day as a punishment.

3. Detention Facilities at Nisou Police Station

3.1. Visit proceedings

We visited the central police station of Nisou on the 18th of June 2013. Two representatives of KISA participated in the visit. The police officer in charge of the detention facilities received us first in his office, where there were also some detainees.

facilities and he justified this saying that it could be dangerous for their own safety. Two officers of the Immigration Department of the Police also came, a few minutes after our arrival. It was obvious that they had come to watch us and listen to the interviews.



Entrance of Nisou Detention Center

He gave us some general information on how the police station operates and he seemed comfortable with our visit. He stressed that detainees are not prisoners, or criminals, and that is why they are allowed to stay all day long in the yard. However, there is no TV in the

A woman from Nepal, who was detained there and whom we asked to interview, refused to participate in the survey, saying that she could not say anything in the presence of the police officers. But she gave us her phone number to call her after the visit, in order to receive more specific information related to the detention conditions.

We were allowed to visit the detention facilities (cells, corridors, and yard), but we were not allowed to take pictures.

3.2. Findings of the visits

a) Description of the detention facilities

The police station was built in 2008 and detention facility was built to serve the police station's needs. Since 2011, it functions as a detention centre for women - both for women, who are in custody for criminal cases and for women, who are considered to be "prohibited immigrants." Most of the detainees are undocumented migrants.

The capacity of the facilities is 8 detainees. Each detainee has her own cell. Cells are big enough for one person and each cell has its own window, but, since windows are barred, cells are not well illuminated. Sanitary facilities are inside the cells and there is no partition between the beds and the toilets. Detainees are not given toilet paper and they have to clean their toilets themselves as there is no cleaning service. Moreover, they are given no cleaning

products either. The reason that the Police gave them for this is that “we are in crisis.”¹⁶

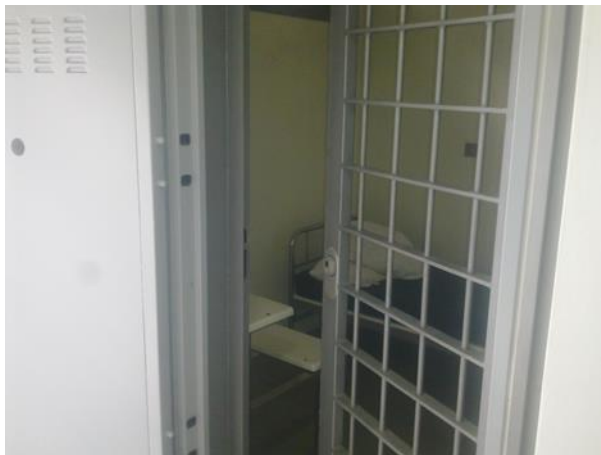
Description of a typical day at Nisou:

07:00: cells open
08:00: breakfast
13:00: lunch
15:00-16:00: detainees have access to their mobile phones
18:30: dinner
22:00: cells close

Detainees have access to the yard from 08:00 till 22:00.

b) Composition of the detainee population

Only women are detained at Nisou. In 2012, 250 persons were detained there. From January until June 2013, 138 persons had been detained.



Detention cell in Nisou

c) Length of detention

The average period of detention is two weeks and the maximum period of detention is eight months.

d) Detention as last resort

¹⁶ The economic crisis Cyprus undergoes is frequently used as an excuse for almost everything, including violations of human rights and inhuman detention conditions.

Detention is used as the first means to materialise a return decision, of which some detainees are informed by the Immigration Police with a verbal statement.

e) Access to information

Detainees were not informed of their right to apply for asylum or of the fact that persons, who report trafficking experience and are recognised as victims of human trafficking are entitled to protection. Detainees do not receive information regarding their deportation and they do not know when they will leave the centre and the country. As reported, usually, the administration of the centre “advises” them that it is better for them to cooperate by stating that they want to go back to their country of origin and tries to dissuade them from applying to the Supreme Court. One woman reported that she had been told by the administration that for as long as her appeal would be pending before the Supreme Court, she would be detained and that the process could take three years and therefore, it would be better for her to cooperate and sign a statement that she wants to be repatriated.

f) Right to communication

Detainees are allowed to use their mobile phones only one hour a day. Their mobile phones are kept with their other personal belongings in the office of the police officers.

Detainees are allowed to receive visits. According to the Chief of the Police, the duration of each visit is one hour and the detainees cannot receive more than one visit a day.

The women that we interviewed reported that when there are many visitors, visits are shorter (5, 10, 30 minutes, depending on the number of visitors each time).

g) Access to health care

There is no medical staff in the police station. Detainees can ask the police officers to see a

doctor. Consultations take place in the hospital, usually in the emergency care department.

For health problems that are considered to be minor, like a headache, police officers give detainees painkillers without consultation by a doctor. Police officers determine which health problems are considered to be minor and when a detainee can be transferred to the hospital for consultation. Psychological support is not provided.

h) Life in detention: nutrition and activities

Detainees reported to be satisfied with the food in the centre. A detainee reported that the water they have is not drinkable and therefore, they have to ask for mineral water to drink, and that, usually, they have to wait a long time before they can have it.

There is no access to any activities in the centre. Detainees do not have access to TV, books, games, or sports.

i) Access to legal aid and court proceedings

Detainees are not informed of how to gain access to a lawyer. One detainee was able to get one through KISA, but she complained that a police officer was present and listening to her conversation with her lawyer.

j) Cultural diversity and human relations between detainees

According to the police officer we interviewed, the fact that people from different countries and cultures are detained together does not affect the life inside the centre. No policy has been implemented to teach police officers on how to deal with issues related to cultural diversity.

Usually, detainees interact more with other detainees from their country of origin or who share the same language.

There is no prayer room. Detained persons pray in their cells. And there is no possibility for a diet to meet religious guidelines and/or restrictions.

k) Vulnerable groups, including unaccompanied minors

The centre has a separated wing, which is designated for the detention of unaccompanied minors and has the capacity to accommodate two persons. However, minors have never been detained in the centre.

l) Access to detainees' rights and treatment by the administration (discipline/punishment)

Detainees receive a booklet called "communication rights of detained persons." As reported by interviewees, most of the times, police officers do not allow detainees to read it and ask them to sign immediately a statement that they "don't want to exercise their rights" and that they "no longer want the services of a lawyer."

If detainees want to change a rule, they can ring the bell and ask. The answer depends on the police officers, who respond to the bell ring. If detainees protest, they are punished. A detained woman, who was pregnant and shouted that she had to be released, was transferred to the central prison.

Detainees face violence during their deportation. There have been incidents of detainees being beaten up by Immigration Officers. Moreover, detainees do not have equal treatment. For instance, women, who are Cypriots and are in custody for criminal offences are able to receive several visits a day, while migrant women are sometimes denied completely the right to have visits.

4. Aradippou Police Station

4.1. Visit proceedings

We visited the police station of Aradippou on the 19th of June 2013. Four representatives of KISA visited the detention facilities of Aradippou police station without police escort from the Immigration Police.

This facilities are only for men and 14 persons were detained there the day of our visit.

The police officer in charge welcomed us and responded to all of our questions. He showed us

the list of the current detainees and we could choose our interviewees.

We interviewed two detainees: a man from Iran and a man from Sri Lanka. No police officers attended the interviews.

4.2. Findings of the visit

a) Description of the detention facilities

Each room has capacity for two persons. As the detention facilities were not full the day of our visit, several detainees had their own cell.

Sanitary facilities are outside the cells. Detainees have to clean them themselves without receiving any cleaning products for this.

There is a yard and detainees have access to it all day and night long. There is a TV in the yard and the cells are always open.

During our visit, detainees highlighted that the staff's behaviour is much better than in other detention facilities. The good relationships between police officers and detainees were evident during our visit.

Description of a typical day in Aradippou detention facilities:

Detainees wake up at around 8:00 and they have their breakfast. Usually at 9.00 they clean. They have lunch between 12.00 and 13.00 and dinner at 19.00. As the cells are always open, they are free to either stay in their cells, or to go to the yard.

b) Composition of the detainee population

As with all the other detention facilities, apart Mennoya detention centre, persons in custody for criminal offences and migrants, who are detained with administrative orders because they are considered to be "prohibited immigrants" are detained together. Interviewees reported that they do not feel comfortable to be detained together with persons, who are in custody for criminal offences and that this makes them feel as if they were criminals.

In 2013, 300 persons were detained in the detention facilities of the Central Police Station of Aradippou. 70% of them were "prohibited immigrants." Most detainees come from Pakistan, Sri Lanka, India, Afghanistan, and Syria.

c) Length of detention

The average period of detention is a few days and the maximum period of detention is three to four months.

d) Detention as last resort

Detention is used as the first means to materialise a return decision.

Detainees reported that they had been informed of the reasons of their arrest and detention only orally and not in written.

e) Access to information

Detainees were not informed of their right to apply for asylum or of the fact that persons, who report trafficking experience and are recognised as victims of human trafficking are entitled to protection. The detainees we interviewed had not received the decision for their detention, but only oral information on the reasons of their detention. They also reported that they are refused interpretation.

f) Right to communication

Detainees are allowed to use their mobile phones for one hour every afternoon (during all the other hours, their mobile phones are kept in lockers).

Detainees are allowed visits. The duration of each visit depends on the number of visitors. If there are a lot of visitors, visits last only 10/15 minutes. If there are no other visitors, a visit can last up to one hour. The duration depends also on the police officers. Detainees are in contact only with the policemen.

g) Access to health care

There is no medical staff in the facilities. The detainees have to make a request to see a doctor. Consultations take place in the closest hospital.

h) Life in detention: Nutrition and Activities

The detainees we interviewed complained about the quality of the food.

Detainees have access to almost none activities. They can watch TV, but it is placed outdoors, in the yard and they sometimes play chess and cards.

i) Access to legal aid and court proceedings

Detainees who want to speak with a lawyer can do it, but in limited time. an interviewee reported that he was allowed to call his lawyer only five days after his arrest.

j) Cultural diversity and human relations between detainees

There is no policy in place to deal with cultural diversity among detainees. Sometimes detainees are separated into groups according to their nationality.

Usually, detainees have more interaction with other detainees from their country or origin, or who speak the same language.

There are no religious spaces in the detention facilities. According to an interviewee, there are different toilets for Muslims. The police officer we interviewed mentioned that special diet is offered to detainees whose religion has specific dietary restrictions/guidelines.

k) Vulnerable groups, including unaccompanied minors

No minor has ever been detained in the detention facilities of Aradippou Police station.

l) Access to detainees' rights and treatment by the administration (discipline/punishment)

Information regarding the rules inside the centre is available to detainees in six different languages.

5. Administrative detention centre in Mennoyia

5.1. Visit proceedings

We visited the administrative detention centre of Mennoyia on the 21st of June 2013. Four representatives of KISA participated in the visit, among them an interpreter. The visit lasted six hours. The administrative detention centre in Mennoyia is the only detention place, which is designated by the Minister of Justice and Public Order, as provided for by the law, as a closed detention centre for the detention of immigrants for the purpose of deportation. It is the only administrative detention centre in Cyprus.

The centre is of high security and to enter it we had first to pass security control, which was identical to those in an airport: our bags were checked and each one of us went to a special

As soon as we arrived in the visiting room, we were allowed a look on the list of detainees. We asked to interview specific persons. Even though the police officers had agreed in the beginning, they eventually brought only one of the persons we asked to speak with. All the other detainees they brought for the interviews were chosen by the police. When we complained about it, they said: “don’t worry, we can’t bring all the persons now because of security reason, as soon as you are done with these people, we will call the rest of the detainees you asked.” After interviewing three detainees, we asked to meet with the persons we had asked to interview. The police officers brought again three persons we did not know.



room in order to be further searched by police officers, who checked whether we were hiding anything, especially in the seams of our clothes. We had to leave our keys, mirrors, and lighters outside the visiting room. The Police also counted the number of pens in our bags and demanded to have the same number of pens at the end of the visit.

We complained, saying that we wanted to interview the specific persons we had asked for in the beginning.

Their answer was “why don’t you want to see people who want to speak with you?” It was obvious that their intention was not to allow us to interview the specific detainees we had asked to interview.

We tried to call KISA’s executive director, who was in contact with the headquarters of the Police about the visits, but the mobile network was discontinued by the Police at that time¹⁷

¹⁷ The mobile network operates only specific hours in the detention centre. The Police discontinue it for the rest of the day and night.

and therefore, we had difficulties contacting him.

We finally got permission to interview two or three of the detainees we had asked to interview. The two detainees came into the visiting room and we could only immediately begin the interview with one of them. All interviewers were busy interviewing a detainee and the second person had to wait. In the meantime, the interpreter of our group, who speaks the same language with him, introduced himself to him. The police officer, who was in the room, became really upset, because he thought that we insisted to interview specific persons so as for the interpreter to meet with his friend. He screamed at the interpreter to get out of the room.

We were not allowed to visit the living areas of the detention centre.

We did not directly note any discrimination, but some detainees from Africa reported that the

behaviour of the staff is different towards them. They stated that while staff members are sometimes kind towards other detainees, they always talk to them objectionably. The way the police officer spoke to the interpreter of our group, who is from Kenya, confirms such claims, as neither he nor any other police officer treated other members of the group like that.



5.2. Findings of the visits

a) Description of the detention facilities

The administrative detention centre has four wings: three for men and one for women. Each wing has a capacity for 64 persons. Men and women are divided and cannot communicate with each other. There were no minors detained in the centre during our visit.

Police officers are not identified with their names and carry truncheons inside the centre. Since detainees are only in contact with police officers inside the centre, the Police go inside the areas where migrants live (dining room, TV room, and yard). Each cell has the ability to host 8 persons. There are four double beds, one table and two static benches inside the cell. There is a window, but it is barred. Detainees reported that the condition of the facilities were

good, since the centre was opened only some months before our visit.

Detainees are not segregated by nationality.

Sanitary facilities are outside the cells. A detainee reported that there are only eight toilets and five showers in his wing. One of the shower was not operative at the time, as it was leaking. Most of interviewees said the toilets are somehow clean. There is a cleaning service, which cleans them every day.

Detainees have to be in the cells from 14:00 till 17:00 and from 23:00 till 8:00. When detainees need to use the sanitary facilities and the cells are closed, they need to press a bell in order for a police officer to open the door and take them to the toilets.

Description of a typical day in the detention centre in Mennoyia:

08:30-9:00: detainees have breakfast in the dining room

09:00-11:30: detainees are outside, in the yard. This is mandatory.

11:30-13:00: detainees are allowed to use the TV room (which is separated in two parts: for smokers and non-smokers) and the showers.

13:00: detainees have lunch in the dining room.

14:00-17:00: detainees are locked in their cells.

17:00-20:00: detainees are outside in the yard. This is mandatory.

From 20 till 23pm: detainees are allowed to use the TV room and the showers.

From 23:00 till 8:00: detainees are locked in their cells.

b) Composition of the detainee population

When we visited the centre, there were 137 detainees, 13 of whom were women. The centre has the capacity to accommodate 256 persons. Around 350 persons were detained in Mennoyia between the 15th of February 2013 (opening of the centre) and the middle of June 2013. The majority of ex-detainees come from Iran and were released upon decision of the Minister of Interior, because there was no prospect to deport them.

c) Length of detention

A large number of detainees are detained for more than five months in the centre.

d) Detention as last resort

Detention is used as the first means to materialise a return decision.

Detainees reported that they had been informed of the reasons of their arrest and detention only orally and not in written. A detainee reported that the police officers who

arrested him told him that his case was closed, which was in fact not true.

e) Access to information

Detainees do not know for how long they will be detained and when they will be deported. It is difficult for them to have access to information concerning their case, as their communication with NGOs and lawyers is hindered. Officially, they are allowed to contact NGOs, but NGOs are not allowed to contact them. According to the experience of KISA, when NGOs try to contact detainees at the phone number of the centre, the administration of the centre refuses to facilitate communication saying that the detainees themselves must ask to contact the NGO first. However, there have been reports of detainees asking to contact KISA and being refused to do so.

f) Right to communication

The mobile network is discontinued during the following periods: 13:00 - 18:00, 20:00 - 21:30, and 23:00 - 7:00. Detainees are not allowed to use cameras, including those on their phones.



Door window in a cell in Mennoyia

Several detainees reported that they are not allowed to send a fax to organisations or persons. Some detainees reported that the faxes are checked by the Police before they are allowed to send them. KISA has received complaints by detainees reporting that they had not been allowed to contact KISA and also, reports that detainees had been punished in

isolation after initiating a complaint towards several NGOs, including KISA, and human rights organisations/institutions (such as the Ombudswoman, UNHCR) regarding the detention conditions of the centre

Detainees can receive one visit per day and the duration of each visit is one hour. Since we had permission by the Ministry of Interior to interview detainees, we did not have any time restrictions during our interviews. Moreover, detainees were surprised not to be handcuffed during our visit as this is the usual practice when other persons, including their lawyers and family members, visit them.

g) Access to health care

There is no medical staff inside the centre. If detained persons want to see a doctor, they first have to fill a form. If the Police agree, the detainee is referred to the General Hospital of Larnaca or to Kofinou Outpatient Clinic. A detainee, who has hepatitis, reported that he is waiting for several months to visit a doctor and take consultation on his health. Since the Police refuses to take him to a hospital, he has not received any treatment during his detention.

As soon as they are taken out of the centre, detainees are handcuffed. This happens even during their visits at the hospital and during the consultation with a doctor. The Police stay with them during the consultation and detainees are not allowed any privacy while talking to health professionals in general.



Detention Cell in Mennogia

Inside the centre, there is a room, where medicines are kept. For health problems that are considered to be minor, like a headache, police officers give detainees painkillers without consultation by a doctor. Police officers determine which health problems are considered to be minor and when a detainee can be transferred to the hospital for consultation. Even to go from their cell to this room, detainees are always handcuffed.

After their arrest and before arriving to Mennoyia, detainees have to undergo an injection against tuberculosis and a blood test.

h) Life in detention: nutrition and activities

All detainees that we interviewed reported that they are unsatisfied with the food. They mentioned that it is not tasty as there is no sauce, sugar, spices, or salt. Some of them reported that although they are in need of special diet, they do not have access to it everyday. Some of detainees prefer not to eat rather than eat something what they are served. Persons with allergies to specific food do not have access to anything else when such food is served. Two interviewees reported that they have lost a lot of weight during their detention in the centre.

There are no educational/recreational activities in the centre. Detainees have access to books and TV. They are allowed to use the TV room once the lunch is over (it begins at 11:45) and after the shower, until 14:00. Detained persons are allowed to have their computers inside the centre, but there is no internet connection. Newspapers are provided. People detained in wing B do not have access to sport facilities as the yard of this wing is very small.

i) Access to legal aid and court proceedings

Detainees can only get the contact details of lawyers with the help of other detainees. One interviewee reported that he was not aware that it was possible to meet a lawyer in the detention centre. Persons who do not have

financial resources to hire a lawyer are not aware of their right to apply for free legal aid. The contact details of NGOs (KISA and Future Worlds Center) are not provided by the Police and detainees have to find their contact details on their own. Therefore it is difficult for detainees to receive legal assistance if they do not have financial resources to hire a lawyer, or if they are not aware of the existence of KISA and Future World Center.

j) Cultural diversity and human relations between detainees

As reported, usually, detainees have more interaction with people from their own country of origin, or who speak the same language. The police officer we interviewed reported that the administration of the centre avoids placing persons from ethnic groups that have hostilities between them in the same cell, in order to avoid trouble. There is no policy in place to train police officers on how to deal with cultural diversity.

There is no specific area to pray. Detainees pray in their cells or in the corridors. Recently, they were instructed that Muslims can pray in the yard and Christians in the dining room.

k) Vulnerable groups, including unaccompanied minors

According to the administration of the centre, no unaccompanied minors have been detained in the centre and minors are detained in the detention facilities of Lakatamia police station. However, according to KISA's information, unaccompanied minors have been detained in the detention centre in Mennoya. KISA was informed that on the 27th of September 2013, just before the visit of the CPT (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment), the administration of the centre "disappeared" five persons, who were detained illegally, including an unaccompanied minor.

l) Access to detainees' rights and treatment by the administration (discipline/punishment)

Upon their arrival in the centre, detainees receive a booklet with the rules of the centre. A lot of detainees reported that in order to make a complaint and/or to change a rule, they need to fill in a form and give it to a police officer. Several detainees have protested against the quality of the food, the discontinuation of the mobile network, and the detention conditions in general. They have filled in the relevant forms, prepared petitions amongst them, and some of them have gone on hunger strike, but nothing has changed. A detainee reported that when he complained because he was handcuffed in order to be taken to the hospital, the staff of the centre insulted him and ridiculed him. Another detainee reported that at the end of March a lot of detainees refused to go back in their cells as a protest against the quality of the food. The Police threatened to "massacre them" and, because the protesters did not respond to the threats, the Police beat them with truncheons. The following day, they were transferred to the hospital, after complaining, and the Police told the doctor, who examined them that they were injured while playing football. As the Police were present during the health consultation, detainees could not complain that their injuries were caused by the Police beating them.

Another method of punishment the administration of the centre uses is isolation. As reported, detainees, who initiate, or are thought to initiate, a protest are often punished in the isolation for several days.

An interviewee reported that detainees with African origins receive worse treatment than other detainees: Police often abuse them verbally and ridicule them.

6. Detention Facilities at the Central Police Station of Limassol

6.1. Visit proceedings

We visited the detention facilities of the central police station of Limassol on the 25th of June 2013. Three representatives of KISA participated in the visit.

We first interviewed detainees and then the police officer in charge. The Police attended both interviews and we believe that because of this detainees were not comfortable to speak to

We met the police officer in charge, who gave us general information about the detention facilities. Two officers from the Immigration Police were present as well.

We could choose whom we wanted to interview. There were 24 detainees at the time of our visit and among them there were nine women.



us.

6.2. Findings of the visit

a) Description of the detention facilities

We could not visit the cells. The police station is old, it is not much illuminated, and it has very old furniture.

Police officers do not carry weapons inside the centre.

Detainees are alone in their cells. There is a window but it hardly illuminates the room. There is no cleaning service and detained persons clean the sanitary facilities by themselves.

Description of a typical day:

Detainees are allowed to stay in the internal yard till 18:00 and in the common space till 23:00. At 23:00 they have to go back to their cells. The yard is the only common space, It is bigger than the cells, but, as it located inside, detainees do not have any access to natural light.

b) Composition of the detainee population

Around 1000 people are detained in the detention facilities of Limassol Central Police Station per year. Men detainees come mainly from Sri Lanka, Bangladesh, and Iran. Women

detainees come mainly from Vietnam and Sri Lanka.

c) Length of detention

We were not provided with information regarding the length of detention of undocumented migrants in the centre.

d) Detention as last resort

Detention is used as the first means to materialise a return decision. Undocumented migrants are detained without consideration of any alternative measures.

e) Access to information

Detainees are not aware of the protection persons who are recognised as victims of trafficking receive, or of the possibility to apply for asylum. The detainees we interviewed had not received the the arrest and deportation orders issued against them; they were just informed orally of them.

f) Right to communication

Detainees' mobile phones are kept in lockers and access to them is very limited. A detainee reported that they can not use their phones every day and when they can, they are allowed to use it for less than one hour and only in the visiting room and in the presence of a police officer. Detainees are not allowed to use their cameras at all.

Detainees can receive visits every day. Each visit lasts around 10 minutes and visits are always in the presence of the police.

g) Access to health care: internal and external

There is no medical staff in the police station. Detainees are transferred to the hospital when they are sick and they can ask the Police when they need to see a doctor or a psychologist. A detainee diagnosed with hepatitis reported that he was transferred to the hospital and received medical care and psychological support.

h) Life in the detention centre: nutrition and activities

There are no activities in the centre. There is no TV, books, or games. Sometimes police officers give detainees newspapers and detainees can do some exercise.

i) Access to legal aid and court proceedings

No information of how to contact a lawyer is provided to detainees in the centre. A detainee reported that a police officer always attends meetings with his lawyer.

j) Cultural diversity and human relations between detainees

Detainees usually interact with people who share their language. A detainee reported that she is always alone, because nobody else speaks her language.

k) Access to detainees' rights and treatment by the administration (discipline/punishment)

Detainees reported that they never witnessed any protest. It is important to mention here that a police officer was constantly present during the interview and we believe that, because of this, detainees did not feel comfortable to speak with us and give us more information.

7. Detention Facilities at the Central Police Station of Paphos

7.1. Visit proceedings

We visited the detention facilities of the central police station of Paphos on the 26th of June 2013. Two representatives of KISA participated in the visit. A police officer of the Immigration Police was present as well, but he did not attend the interviews. The police officer in charge and the immigration officer asked for our IDs and the letter with which the Ministry of Justice gave us permission to visit the detention facilities.

The immigration officer showed us the list of current detainees and informed us of whom

was currently there and whom not – some detainees had an appointment at the Asylum Service in Nicosia when we went.

During our visit, 13 persons were detained: seven women (amongst them five unaccompanied minors) and five men (two unaccompanied minors among them). Detainees were from Cyprus, Mali, Senegal, Vietnam, Philippines, and Sri Lanka.

We spoke with two detainees: one woman and one man. We chose to speak with a minor from Mali and with an adult woman.



7.2. Findings of the visits

a) Description of the detention facilities

The Central Police Station of Paphos was built two years ago. The detention facilities of the station are designed for persons in custody for criminal cases, but immigrants, who are considered to be “prohibited” are also detained there. The detention facilities have 3 separated wings: one for men, one for women, and one for minors. Police officers are identified with their

names and do not carry weapons inside the centre. Since detainees are only in contact with police officers inside the centre, the Police go inside the areas where migrants live (dining room, TV room, and yard).

Sanitary facilities are inside the cells. Detainees have to clean them themselves and they receive cleaning products to do it.

Description of a typical day:

Detainees wake up any time they want in the morning. They have their breakfast between 7:00 and 9:00. After 9:00 they go in the yard. They take lunch between 12:00 and 14.00, each one in their own cell. The dinner is served between 18:00 and 20:00. At 22:00 they must go to bed. Contrary to men, women detainees cannot stay in the yard all day long. Their access to the yard is limited to one hour in the afternoon and one hour during morning time.

b) Composition of the detainee population

In 2012, 1745 persons were detained in the facilities. Not all of them were migrants, since the police station detains persons, who are in custody for criminal offences as well. 801 persons were detained during the period 01/01/2013 to 26/06/2013 and again, not all of them were migrants. During our visit, on the 26th of June 2013, 13 persons were detained: seven women (five unaccompanied minors among them) and five men (including two unaccompanied minors). Detainees were from Cyprus, Mali, Senegal, Vietnam, Philippines, and Sri Lanka.

c) Length of detention

The average period of detention is usually three to four weeks. It used to be longer, but it changed with the opening of the detention centre in Mennoyia, since after this period, detainees, who are not released are usually transferred there. The maximum period of detention is one month and a half.

d) Detention as the last resort

Detention is used as the first means to materialise a return decision and no alternative measures are considered for persons, who are considered to be “prohibited immigrants.”

e) Access to information

Detainees are not informed about their right to apply for asylum or about the protection accorded to persons who are recognised as victims of human trafficking. The detainees we interviewed had not received the arrest and deportation orders issued against them and one detainee did not know what it was.

f) Right to communication

Detainees are allowed to use the telephone of the centre, but with limited access. Detainees who do not have a mobile phone can use the landline, but only for local calls. Detainees, who have mobile phones, are not allowed to keep their mobile phones with them. Mobile phones are kept in lockers and detainees have to request the Police when they want to make a phone call. A police officer is always present during the call.

g) Access to health care

There is no medical staff in the police station. Detainees can request the police officers to visit a doctor, or a psychologist. Consultations take place in Paphos General Hospital. There is a special cell for detainees with infectious diseases.

h) Life in the detention centre: nutrition and activities

Detainees have chocolate and bread for breakfast. For the rest of the day, they eat bread, ham, cheese, eggs, and olives. an interviewee reported that detainees are given enough food, but the quality of the food is bad.

There are no activities in the centre. There is no TV, books, or games. Minor detainees have a ball to play with, which was given to them by a social worker.

i) Access to legal aid and court proceedings

Detainees who do not have financial resources are not informed of their right to apply for free legal aid.

j) Cultural diversity and human relations between detainees

There are good relations among detainees, but they usually interact mostly with people who share the same language and/or who come from the same country of origin.

k) Vulnerable groups, including unaccompanied minors

Minors and adults are mixed in the yard. An unaccompanied minor we interviewed According to the detainees, who participated in the interviews, there have been no protests in the detention facilities of Paphos police station during their detention.

The unaccompanied minor we interviewed reported that detainees can propose a change

reported that he did not feel comfortable with adults. Minors stay in their cells most of the time and they go in women's yard, when women detainees are not there. The unaccompanied minor we interviewed reported that he faces deportation, because the judge did not believe that he is under eighteen years old.

l) Access to detainees' rights and treatment by the administration (discipline/punishment)

of the rules of the detention facilities and through this procedure he managed for minors to have a special space in the yard, without any adults.



VI. Conclusions

The existing detention facilities that we visited in June 2013 do not respect migrants' fundamental rights. More specifically:

The **contact with the outside world** is extremely restricted. Detainees can effectively use their mobile phones only a few hours a day. As a consequence, they have difficulties communicating with their lawyers and/or NGOs/human rights organisations. This has an impact on their access to information regarding their cases, as well as to the progress and the follow-up of their cases.

Since most of the detention facilities have **no medical staff**, access to health care depends upon the willingness of each police officer. Taking into consideration that police officers have no medical training, the Police is not the most appropriate body to decide whether a person needs to see a doctor or not and when. As a result, effective and unconditional access to healthcare cannot be guaranteed for detainees and may depend on arbitrary and uninformed decisions. In addition, the fact that the Police are present during health consultations violates the right of detainees to medical confidentiality hindering effective communication with health professionals.

As there is **no free legal assistance** provided in the detention facilities, detainees have to hire private lawyers. Most of detainees do not have financial resources to do this and cannot therefore have effective access to their rights.

In most of the detention facilities, migrant detainees are **mixed with persons in**

custody for criminal offences. As a result, persons detained for administrative reasons are treated as criminals.

The fact that most detention facilities have a special place for minors suggests that minors are routinely detained. This is a cause for concern, since detention of minors violates the best interest of the child, which should always prevail, and particularly when no criminal offence has been committed. Currently, minors and unaccompanied minors are detained in Cyprus merely on the basis of arrest and deportation orders issued by the administration. This is extremely worrying given the fact that there is no provision, or mechanism, or practice in place for such arrest and deportation orders to be reviewed.

The detention conditions in the detention facilities of Cyprus are similar, or even identical to those in prison, since detainees are locked in their cells for several hours and cannot move freely in outdoor and/or common spaces (especially in the detention centres of Mennoyia and Lakatamia). Moreover, the example of the detention facilities in Paphos police station reveals that there is gender discrimination, at least in relation to the detainees' time in outdoor spaces. In addition, the fact that detainees are handcuffed during their visits and they have to use a phone to communicate with their visitor(s), the presence of a glass wall between them and their visitor(s), and in general the lack of privacy during their visits, runs counter to the respect of the dignity of detainees.



VII. Recommendations

In the Republic of Cyprus, undocumented migrants, who are the subjects of return procedures, are detained with no consideration of alternative measures. KISA is very concerned about the violations of human rights of migrants and asylum-seekers that result from such practice and strongly believes that the implementation of the recommendations below would be a step towards a more appropriate and human treatment of migrants, who are detained as “prohibited immigrants” and would bring the Republic of Cyprus closer to the spirit of the Return Directive.

1. Procedural Safeguards

➤ *Form*

- ✓ Ensure that all return decisions are issued in writing with the reasons of the decision and in a language that is comprehensible to the concerned person. Also, ensure that return decisions are sent double registered.

➤ *Remedies*

- ✓ Ensure that during the return procedures information is given regarding the effective remedies available to appeal against or to seek review of the decision and also concerning the right to apply for legal aid.
- ✓ Ensure that migrants, who are considered to be “prohibited immigrants,” have a real chance to leave the country voluntarily or to appeal the decision for their removal. Ensure that a removal decision is put on hold when a person appeals the decision of the administration. Ensure that a removal decision is revoked when a person accepts to leave voluntarily.
- ✓ Ensure that information regarding the possibility for the Council of Ministers to grant a residence status on humanitarian, compassionate, or other grounds is provided to migrants, who are considered to be “prohibited immigrants.” This could be achieved by having a standard application form, which will be sent to the concerned migrants along with the removal decision.
- ✓ Ensure that migrants, who are considered to be “prohibited immigrants” and their names are placed on the Stop List, are informed of the reasons of this decision and that in case they decide to return voluntarily to their country of origin, their names will be removed from the Stop List.

2. Detention of undocumented migrants

➤ *Decision to detain*

- ✓ Ensure that detention is used as a measure of last resort.

➤ *Length of detention*

- ✓ Ensure that detention is as short as possible and that by no means exceeds the maximum period defined in the Return Directive.
- ✓ Ensure that a detainee is released immediately if the detention is judged unlawful and that the authorities respect the relevant decisions of the Supreme Court.
- ✓ Ensure that reviews of detention are made case by case on the basis of legislative criteria and that the decision to extend detention does not exceed the maximum period as defined in the Return Directive.

- ***Detention of unaccompanied minors***
 - ✓ Unaccompanied minors shall not be detained.
 - ✓ Ensure that when an unaccompanied minor is arrested, the Social Welfare Services are immediately informed.
 - ✓ Ensure that the authorities do not determine the age of an individual on the basis of documents that have already been considered as fake.
- ***Detention of vulnerable persons***
 - ✓ Vulnerable persons (persons with chronic health conditions, persons with disabilities, persons with – especially mothers of – young children) shall not be detained.
- ***Detention facilities***
 - ✓ Undocumented migrants shall be detained in special detention facilities and not together with persons in custody for criminal offences. Therefore, undocumented migrants shall not be detained more than 24 hours in police stations.
 - ✓ Therefore, the following recommendations concern only the detention centre in Mennoyia.

3. Information regarding remedies and legal assistance

- ✓ Ensure that all detainees are provided with information regarding the rules and rights applied in the facilities, the remedies available against administrative decisions regarding detention and deportation, and the process they shall follow to apply for legal aid. Ensure that this information is provided in written and in a comprehensible to the concerned person language.
- ✓ Ensure that detainees have access to a list with the contact details of NGOs that provide assistance to undocumented migrants and of lawyers, who work with legal aid.
- ✓ Ensure that detainees are aware of their right to apply for asylum.
- ✓ Ensure that appropriate mechanisms are in place to enable access to the institutions responsible to appeal an administrative decision.

4. Conditions of detention

Undocumented migrants are detained for administrative reasons. The detention centre shall not be punitive in nature and the living conditions inside the centre shall reflect this.

- ***Health Care***
 - ✓ Ensure that all detainees have access to health care and psychological support inside the detention centre.
 - ✓ Ensure that health consultations are confidential and that detainees have access to an interpreter, if necessary/requested.
- ***Activities and Nutrition***
 - ✓ Ensure that detainees have access to recreational and educational activities. We recommend the organisation of educational and vocational trainings inside the centre.
 - ✓ Ensure that the detention centre is equipped with both indoor and outdoor sport facilities.

- ✓ Ensure that detainees, who have special needs regarding food, are provided with appropriate and adequate diet and that the centre provides for their food.

➤ **Visits**

- ✓ Ensure that visits are allowed from 9am to 7pm, as the Regulations regarding the Rights of Detainees provide, and that police officers are not present during the visits.
- ✓ Ensure that NGOs that ask to contact a particular detainee are granted direct and immediate communication, if the concerned person agrees.
- ✓ Ensure that the detention centre of Mennoyis is connected to public transportation to facilitate the visits of detainees' relatives and also to facilitate the departure of detainees, who are released.

➤ **Relations between detainees and staff**

- ✓ Ensure that the personnel of the detention centre, who are in direct contact with the detainees, participate in continuous trainings covering issues around cultural diversity, human rights, and trauma. This process shall actively involve NGOs specialised in such issues.
- ✓ Ensure that the procedure of investigation of complaints launched by detainees, especially regarding abuse, is transparent, that the results of the investigation are communicated to the persons / organizations involved, and that stakeholders are also informed. Ensure that the vulnerability of the complainant is taken into account during the investigation.

