

File No.: RN. 10/2020 & NPM. 2/2020

Nation Human Rights Institute (NHRI)

National Preventive Mechanism (NPM)

**Report regarding the measures taken to prevent the spread of the
coronavirus COVID-19 at the Reception and Accommodation Centers in
Kokkinotrimithia and Kofinou**

Officers: Katerina Kallitsioni and Kyriakos Kyriakou

Nicosia April 23th, 2020

A. Introduction

Following the Ombudsman's Own Initiative Report, dated March 26th 2020, regarding measures that must be taken in order to prevent the spread of the coronavirus in places where people are deprived of their liberty, such as prisons and other places of quarantine, which were immediately implemented by the State and following the Ombudsman's Statement, dated April 3rd, 2020, in her capacity as the Independent Mechanism for the Promotion of the UN Convention on the Rights of Persons with Disabilities, regarding the access of persons with disabilities to information on the virus pandemic, **a visit to the "Pournara" Reception and Accommodation Centre for Migrants in Kokkinotrimithia** (for Applicants for International Protection) was deemed necessary, in order to review the living conditions of all residents, with respect to the preservation of their fundamental rights and freedoms, in light of the measures taken to combat the spread of the coronavirus.

Following the decree issued by the Minister of Health, on April 8th, 2020, regarding the measures to combat the spread of COVID-19 virus, which stated that persons entering and living in these centers, are not allowed to leave/exit, it was deemed especially urgent for the visit to take place as soon as possible.

B. Investigation into the Reception and Accommodation Centre for Migrants

1. Letter to the Minister of Interior

In a relevant letter, a series of questions were sent to the Minister of Interior, in order to acquire information and clarifications on the following issues:

- a. Do the people residing in the Reception and Accommodation Centers established by the State have access to health care and how is this achieved considering the coronavirus pandemic.
- b. Whether protocols and legal procedures are followed in case there is a suspected case of coronavirus infection.

- c. Whether there were considerations to change the way the “Pournara” Reception and Accommodation Center in Kokkinotrimithia was established and if so, have there been any measures to change its configuration like increasing the sanitary and housing facilities.
- d. Measures taken for providing food to the center’s residents.
- e. If the residents at the centers can freely move about.

Following our letter, we received a relevant response from the Minister of Interior, which included the following information **with regards to the provision of Health Care:**

- Due to an increase in health needs, a personal physician (**doctor**) visits the “Pournara” center, **every other day**, and there are **two nurses** that provide services on a **24-hour basis**.
 - A personal physician (**doctor**) visits the Kofinou Reception and Accommodation Center for Applicants for International Protection **twice week** and there are **two nurses** present at the center, **on a daily basis, from 7 am until 1 pm**.
2. With regards to the **protocol followed in the case of a suspected positive case of corona virus**, the Minister pointed out that, to this day, there were no cases of corona virus reported from the two centers, as all precautionary measures and relevant protocols are being followed. However, in case there is a suspected positive case of corona virus, the person is transferred in a specially designed quarantine space, where he/she may stay overnight. Then, after he/she is examined on the spot according to protocol, he/she is referred to the State Hospitals and if there is a positive diagnosis, he/she is transferred to the so called Rehabilitation Hospital (Famagusta).
 3. The Minister did confirm that due to the pandemic, the “Pournara” Reception and Accommodation Center has been temporarily configured to a closed center and will remain as such throughout the duration of the restrictive measures imposed by the government to combat the spread of the virus.

4. However, he pointed out that due to a surge in migration flows, the center has expanded, based on international standards and the available hygiene facilities has increased (toilets-showers-washing sinks).
5. At the same time, hygiene facilities were constructed in the two specially designed quarantine spaces which can each hold up to 100 persons.
6. As far as the provision of food, meals are provided three times per day, by a private restaurant, in special single use plastic boxes (breakfast and drink, lunch with fruit and dinner with fruit).
7. In terms of the residents' ability to freely move about and exit/enter the center, the Minister stated that the limitations of movements imposed to the residents, have in fact contributed to the absence of any coronavirus instances reported at the centers.
8. Due to the effectiveness of this practice, it was included in the decree issued by the Minister of Health on April 8th, 2020, that *“apart from the asylum applicants, no one is allowed to enter or exit the reception centers. Entry/Exit is permitted only to those working at the centers and only on humanitarian and/or medical reasons after a relevant permission is granted by the Minister of Interior”*.

C. Visit to the “Pournara” Center

The visit to the “Pournara” center was deemed necessary, **in my capacity as the National Preventive Mechanism (NPM)**, considering the fact that, according to the Minister’s decree, entry into the center was allowed only to those who were seeking asylum protection or had already applied for asylum. The purpose of the visit was to inspect the living conditions of the people residing at the center, in light of the restrictions imposed to them regarding movement, restrictions that were also imposed on the general population of the Republic of Cyprus.

The visit took place on April 9th, 2020, in order to inspect the living conditions of all the residents at the Pournara Reception and Accommodation Center in Kokkinotrimithia, in the context of all the measures taken to prevent the spread of the coronavirus disease (COVID-19), in a way that these do not violate human rights and fundamental freedoms of the persons residing there.

9. During the visit, the Minister of Interior was present to provide additional information and clarifications about the center.

10. Based on the information received, both in writing and in person by the Minister of Interior, the information provided by the persons in charge at the center, residents and what was observed during the NPM visit, the following is reported:

- The “Pournara” center was built with a maximum capacity of 500 persons. However, due to the increase in migration flows, recently, there have been rapid and extensive expansions to the center on order to accommodate up to 1000 persons. The capacity of the Kofinou center is 400 persons and further expansions that are currently taking place will increase its capacity to 600 persons.
- Currently at the “Purnara” Center there are 567 persons (about 50% capacity) and it includes 51 persons who were taken to the centers having previously placed in hotels. Of these 51 persons, 8 were deemed as a vulnerable group and were transferred either to Social Care Homes, under the supervision of the Social Welfare Office or other hotel facilities.
- There are no other vulnerable groups at the center. Underage persons have been transferred out of the center.
- In terms of checking the age of a person entering the center, we were informed that this is determined during the interviews conducted upon arrival. However, due to the measures taken to combat the spread of COVID-19, interviews have been temporarily suspended.

- Interviews to determine a person's intention to apply for asylum, as well as their personal conditions when transferred to the center, have also been temporarily suspended due to the measures taken to limit the spread of the virus.
- There have been efforts, nonetheless, to configure the space where interviews are held by setting up protective plastic covers, in order to protect both the center's residents and staff.
- During the visit, it was observed that in certain areas of the center, where construction work was not yet completed (for the expansion phase), mud was formed around the tents due to the accumulation of rain water. The everyday life of residents living in these tents is greatly disturbed, due to the mud.
- The area where it was especially muddy was on the left side of the entrance, in front of a church establishment and it was observed that this area was secluded. We were informed, during the visit, that this area was designated as a quarantine area, where newcomers to the center are taken and remain there for 14 days.
- On the left side of the asphalt main entrance, there were rows of prebuilt specially designed houses, where mostly women resided (96), separately from men. Construction on some houses was still ongoing.
- Tents were placed along the right side of the main entrance.
- As we were informed that, due to the diversification of migration flows, the center is divided in such a way so that persons of different nationalities can live separately, in order to avoid any problems that may arise due to cultural differences.
- Different areas are separated by an asphalt road, while gravel and soil was observed in the areas where tents were placed.

- The main issue that came up during the interviews with some of the center's residents was the presence of mud around some tents and the absence of floors in others.
- At the center there are specially designed Prayer areas in order to accommodate the needs of a diverse group of people with different religious backgrounds (people hail from African countries, Pakistan, Iran, Vietnam, Bangladesh and 22 from Syria).
- In addition, a playground has been built on the premises and around this area, which was covered in asphalt, residents were playing football during the visit.
- **No children were present at the premises as they had already been transferred, along with their mothers, in other places of accommodation (hotels).**
- Due to the expansion of the center, additional needs arose in hygiene facilities and electricity. As for the tents that did not have electricity installation, 50 special lanterns were delivered, while more were expected to be given in order to cover the provision of lighting in all tents.
- There were electrical installations throughout the center and stadium lights had already been placed at the perimeter. **There is also Wi-Fi and charging stations available throughout the center.**
- The installation of additional hygiene facilities is completed and there are now a total of 41 toilets and urinals. According to the Officers working at the center, this number exceeds the minimum number of hygiene facilities required, according to the center's capacity (33).

- In each of the **two specially designated quarantine spaces**, at the Kofinou and “Pournara” centers, there are 8 toilets, 5 showers and 5 washing sinks available for use.
- At the “Pournara” center, **12 filtered water taps have been installed** for the provision of uninterrupted supply of drinking water to the residents.

11. Access to medical care

“Pournara” Center in Kokkinotrimithia

- One of the issues that arise with the residents at the Pournara Center is when a person entering the center is found positive of tuberculosis or the Ebola virus. In such cases, the person is transferred to the Kyperounta Regional Hospital for medical check-up. The person, based on his clinical presentation, is either given the appropriate treatment and transferred back to the center or remain at the hospital until recovery.

Due to the **Covid-19 pandemic**, the following **strict health measures are followed** at the “Pournara” center:

- Measure the temperature of all persons entering the center, including staff
- Disinfection of all tents once a month and all common areas twice a month
- Hand sanitizers have been placed throughout the center
- Information is provided in relation to the pandemic with forms that have been translated into the native language of the residents while instructions have been given orally.

- Masks and protective gloves were administered to all residents of the center
- In case there is a suspected case of corona virus, the person is transferred in a specially designed quarantine space, where he/she may stay overnight until transferred the following day to a state hospital.
- Then, after he/she is examined on the spot, based on protocol, he/she is referred to the State Hospitals and if there is a positive diagnosis, he/she is transferred to the so called Rehabilitation Hospital (Famagusta).
- A **doctor visits** the center every other day to address the health needs of the residents and there are **two nurses** that provide their services on a 24-hour basis.
- Residents can exit the center, according to the decree issued by the Minister of Health, on health and humanitarian grounds.

12. Reception and Accommodation Center in Kofinou

Information regarding the measures implemented to prevent the spread of the coronavirus at the center was received by the Head Officer in charge. It is noted that, in terms of the living conditions at the said center, the NPM has already submitted two separate reports to the competent authority in 2018 and 2019.

- According to information received by the Head Officer, in the beginning of March 2020, an assessment and risk plan was drawn up and measures were taken up to limit the spread of the virus, based on the recommendations and guidelines of the World

Health Organization and the Ministry of Health. These measures include the provision of personal protective gear to all residents (gloves and masks).

- If a person has come into contact with a person who tested positive, the person is quarantine in a specially designed space.
- In addition, the body temperatures of persons who are under quarantine are measured daily.
- Written announcements are posted, with guidelines on how to prevent the spread of the virus. The guidelines are translated in all languages spoken by residents and staff of the center.
- Daily disinfection of all common areas.
- Persons entering the center must present a health certificate.
- Food is distributed to 10 persons each time, in closed single use containers.
- Anyone entering the center is subject to body temperature measurement.
- Entry is allowed to persons working at the center, who must always wear personal protective gear (masks and gloves).
- All visitations are suspended.
- Vulnerable groups at the center receive systematic check-ups by health officers.

- In case there is a suspected positive case of coronavirus, the same procedure/protocol is followed as in the case of the “Pournara” center (On-site medical check-up, transfer to state hospital and if there is a positive result, transfer to the Ammochostos Referral Hospital)

D.Recommendations by International Bodies

13. In relation to the Reception Migration Centers, **the United Nations Network on Migration** highlights that immigration detention centers are too often overcrowded and lack adequate healthcare and sanitation. In order to avoid a rapid spread of the virus, States should put in place the necessary measures to protect the health of migrants in these facilities¹.
14. The **UN High Commissioner for Refugees (UNHCR)**, recently highlighted that measures may be put in place in order to verify and manage possible risks to public health that may arise from people seeking international protection, **like temporary restrictions to movement for a limited time**. However, **any restrictions imposed should be legal, necessary for the management of identified public health risks, proportional and subject revision**².
15. Similar concerns and recommendations were expressed by the **UNHCR Delegate in Cyprus** that were also conveyed to the competent ministries, the press and my Office.

¹ United Nations Network on Migration, «COVID-19 Does Not Discriminate; Nor Should Our Response», 20 Μαρτίου 2020

² UN High Commissioner for Refugees (UNHCR), «Key Legal Considerations on access to territory for persons in need of international protection in the context of the COVID-19 response», 16 Μαρτίου 2020

a) Specifically, she expressed her concern regarding the measures taken to combat the pandemic, which include the plan to transfer Asylum applicants to reception centers in order to, according to the competent Minister, effectively control the implementation of the measure relating to restrictions on free movement.

b) In case of overcrowding at the reception centers, vulnerable groups such as people with pre-existing medical conditions and elderly will be put at greater risk.

c) She also expressed her concern on issues such as access to electricity, sufficient light and water, medical services and whether the areas are regularly disinfected. She also suggested that measures be implemented at the reception and accommodation centers in order to quickly track, quarantine and treat possible covid-19 cases.

d) Lastly, she emphasized the need not to suspend procedures of receiving and examining application for asylum protection, highlighting the danger that applicants will face if they return home where they may be prosecuted.

16. European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)

The CPT, which has conducted visits to temporary reception and accommodation centers, has stressed, among other matters, the need for the existence of sanitary facilities, the provision of commodities for personal hygiene, overcrowding and the presence of minors, access to and provision of health care, the need for the provision of adequate information, respect of human dignity and that residency at the centers should be temporary.

17. The secretariat of the European Commission against Racism and Intolerance (ECRI), has also called the Member States to address, specifically for migrants, matters of access to health care and proper living conditions, while the Director of the Fundamental Rights Agency (FRA), noted that the restriction of fundamental rights should only last as long as it is necessary and should also protect the vulnerable groups of society.

18. The **Commissioner for Home Affairs of the European Union** stated that even in cases of emergency, fundamental rights should be guaranteed in terms of provision of health, while special attention should be given to vulnerable groups, unaccompanied minors and families.

The Committee also suggests that measures such as quarantine and isolation should be based on the principle of proportionality, should be reasonable and do not cause discrimination. Asylum applicants should also receive necessary health care.

As far as **asylum applications**, it is suggested that these continue to be submitted and examined, while Member States provide that fingerprints be taken from applicants, within 48 hours, after the measures imposed to protect public health are lifted.

19. Case-Law by the European Court of Human Rights (ECHR)

According to case-law by the **ECHR**³, any deviations from rights and fundamental freedoms are permissible only if they are absolutely necessary and stem from a current situation, but in no case should they constitute abuse of power. Any restrictions should be based on Law and be in line with the Constitution.

On the matter of **public health**, the ECHR noted that in order for the State to achieve a lawful reason/purpose (i.e. protection of public health) that allows restrictions on fundamental rights, these should be imposed in the least restrictive way, while the measures/actions taken by the State should be as a last resort, which, if not taken, public health could be at risk⁴. It is also imperative that there is a legal basis to allow for such restrictions.

³ Mehmet Hassan Altan v. Turkey, appl.no. 13237/17, 20/3/18

⁴ Enhorn v. Sweden, appl.no. 56529/00, 21/1/05

The basic principle governing the limitations imposed on the rights of a person was also repeated in the case decision *Kuimov v. Russia*, appl.no.32147/04, 8/1/2009; that these limitations should be necessary in a democratic society, they must be proportional to the purpose which protection is sought and must be temporary.

E. Conclusions - Recommendations

20. It is without a doubt that the restrictions and the measures imposed to combat the pandemic have caused a great deal of discomfort in each and every one of us. Particularly to people who were forced to leave their countries in search of a safe place to live, who, due to the pandemic, still reside in the reception and accommodation centers while waiting to submit an application for asylum or wait for the outcome of the examination of their application.
21. The white tents are their temporary shelter. Tents similar to the ones that housed the Cypriot refugees 46 years ago, including women and children.
22. Today at the “Pournara” center, there are no mothers or children. The center welcomes mostly individuals, while a pregnant woman and persons who were considered as a vulnerable group (elderly or people with health problems) have been transferred to other facilities.
23. However, due to the fact that there are still tents without flooring and/or proper material that protect from the elements of the weather, like heavy rain, it is imperative that construction work for the expansion and configuration of the “Pournara” Center be expedited and completed, so that the said center becomes fully functional.
24. Priority should be given to the area where there is no gravel near the tents and rain water is accumulated so that the living conditions become appropriate for all residents without discrimination.

25. Although I welcome the fact that there is **access to adequate health care for all** residents at the center, with the 24 hour presence of nurses and protocol implementation in case of a suspected case of COVID-19, **daily presence of a medical doctor deemed necessary.**
26. As far as the suspension of examining and/or further the **applications for asylum** is concerned, even though I comprehend the need to keep a safe distance between persons, I must **suggest the implementation of alternative ways of interviewing the applicants, for instance interview from a certain distance if that is possible or the use of plastic dividers so that the interview is conducted in a safe way.**
27. **Conducting interviews in a safe way is also an imperative way to determine/assess the age of the persons claiming to be underage so that no one who belongs in this vulnerable group is forced to remain at the center.**
28. Fingerprints should be taken for the purpose of submitting an application for asylum as soon as the measures imposed to protect public health are lifted, while, in the meantime, no migrant should be left without shelter, food or necessary medical care.
29. Every **single tent should have adequate lighting** so the remaining special lanterns should be delivered as soon as possible.
30. I do recognize that the Officers working at the two Reception and Accommodation Centers put in a great effort.
31. However, there is no room for complacency as this carries great risk for all. **There should be constant monitoring in order to track and remove vulnerable groups from the center,** residents should be constantly informed on topics such maintaining proper personal hygiene and steps to protect themselves and those

around them from the coronavirus disease and disinfections that are already taking place at the centers should be intensified.

32. Due to the expansion of the “Pournara” center, it is **currently at a 50% capacity. But by no means should the center experience overcrowding especially considering the fact that its configuration as a closed accommodation center was done only as part of the wider measures taken to combat the pandemic and was done so on a temporary basis.**
33. As far as the Kofinou center is concerned, **nursing staff should increase and be available on a 24-hour basis.** An increase in the hours a medical doctor is present at the shelter is also necessary.
34. **As an Equality Body, I will also emphasize that no person shall be denied exit if his/her needs cannot be met at the center;** needs that are probably interwoven with the decree issued on April 8th, 2020 and are related to health and humanitarian reasons.
35. Finally, I would like to draw attention to the recommendations of international bodies and the European Court of Human Rights (ECHR) case-law, that the measures taken to prevent the spread of the coronavirus should not be extended beyond the necessity to protect public health, stem from a current situation and that their duration should no extend beyond the duration of this unforeseen and unpleasant situation.
36. **Any measure taken that extends beyond its temporary and its absolute necessary nature and is disproportional to its purpose, for instance the protection of public health, is an arbitrary measure and must be lifted immediately.**
37. Hence, apart from the necessary provision of health care and hospitality to the persons residing at the “Pournara” and Kofinou Centers, for as long as the

restrictions are in place to combat the virus, when **these restrictions are lifted, under no circumstances should the persons continue to live in the tents, which were intended for temporary use only.**

38. This Report, in my competence as the National Human Rights Institute and the National Preventive Mechanism, is submitted to the Minister of Interior, the Minister of Health, the Minister of Justice and Public Order, as well as the Minister of Labor, Welfare and Social Insurance, in order to take appropriate action.

Maria Stylianou - Lottides
Commissioner for Administration and
the Protection of Human Rights (Ombudsman)

National Human Rights Institute (NHRI)

National Preventive Mechanism (NPM)