Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 13868 Part 5
14 September 2015

The progress of the Assembly's monitoring procedure (October 2014-August 2015)

Periodic review report of countries not under the monitoring procedure sensu stricto or engaged in a post-monitoring dialogue:

Cyprus

Report[1]
Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee)
Rapporteur: Mr Stefan SCHENNACH, Austria, Socialist Group

Contents **Page**

Explanatory memorandum by Mr Schennach, rapporteur 2
1. Introduction 2
2. Background information 2
2.1. A divided island 2
2.2. The issue of missing persons 3
2.3. The bank crisis of 2013-2014 4
3. Key challenges with respect to democracy, human rights and the rule of law 5
3.1. Detention of irregular migrants and asylum seekers 5
3.2. Overcrowded prisons and ill treatment 6
3.3. Trafficking in human beings 8
3.4. Fight against corruption and transparency of political party funding 9
3.5. Anti-discrimination policies 11
3.6. Regional and minority languages 12
3.7. Social rights 12
4. Conclusions and recommendations 13
Appendix 15

1. See also Doc. 13868 Part 1, Part 2, Part 3 and Part 4.

Explanatory memorandum by Mr Schennach, rapporteur

1. Introduction

1. The Republic of Cyprus joined the Council of Europe on 24 May 1961, and became a member of the European Union in 2004. The country is divided since the Turkish invasion of the northern part of the country in 1974. In accordance with Resolution 1376 (2004), elected representatives of the Turkish Cypriot community participate in the work of the Parliamentary Assembly and its committees.

2. The Republic of Cyprus counts 885 600 habitants, while 260 000 persons live in the northern part of Cyprus. It is a presidential, unicameral democracy. The last parliamentary elections took place on 22 May 2011[2] with a turnout of 78.7%.[3] Fifty-six deputies of the House of Representatives were elected for a five-year mandate, among them seven women (12.5%). The parliament is composed of the conservative Democratic Rally (DISY) Party (20 seats), the group of Progressive Party of the Working People (AKEL, 19 seats), centre and left-wing parties (15 seats)[4] and independent members. Nicos Anastasiades, President of the DISY, was elected President of the Republic on 24 February 2013 with 57.48% of the votes.

3. This periodic report was drafted in line with Resolution 2018 (2014) and the explanatory memorandum approved by the committee on 17 March 2015.[5] I would like to thank the Cypriot delegation to Parliamentary Assembly and the authorities, for their active and constructive co-operation. Their comments[6] have been taken into account in my findings. Considering the particular situation of the island of Cyprus, I found it useful to recall some background information about the latest political and economic developments. I should underline that the conflict and the settlement of the Cyprus issue is not part of this periodic review but needs to be mentioned here, as it is an important issue at domestic level.

4. The second part highlights some of the key challenges the Republic of Cyprus is facing in the area of democracy, human rights and rule of law. This section will not address the situation in the northern part of the country. My assessment is mainly based on, *inter alia*, the most recent findings of the Council of Europe monitoring mechanisms, the Commissioner for Human Rights, reports by the Parliamentary Assembly and, where relevant, on the reports prepared by other international organisations and civil society.

2. Background information

2.1. A divided island

5. When Cyprus became independent in 1960, Cyprus, Greece, Turkey and the United Kingdom entered into a treaty ("Treaty of Guarantee") to guarantee the basic provisions of the Constitution and the territorial integrity and sovereignty of Cyprus.[7] Mounting tensions between the Greek Cypriot and Turkish Cypriot communities resulted in an outbreak of violence in 1963, which prompted the United Kingdom and Cyprus to seek United Nations assistance. In 1964, a United Nations Peacekeeping Force (UNFICYP) was deployed, and its mandate enlarged after the 1974 *coup d'état* in Cyprus[8] and the invasion by Turkey. The UNFICYP[9] is notably supervising the buffer zone (about 3% of the land) dividing the country and Nicosia, which is Europe's last divided capital.[10] Today the UNFICYP counts about 1 000 staff.[11] For their part, the authorities of the Republic of Cyprus are in charge of carrying out checks on all persons crossing the Green line as well as for its effective surveillance, in line with EU Council Regulation 866/2004 (so-called "Green Line Regulation").

---

2. 56 members are elected by the Greek-Cypriot community while 24 seats – currently vacant – are reserved for the Turkish-Cypriot community.
3. www.ipu.org/parline-e/reports/2081_E.htm.
4. These include representatives of the Democratic Party (DIKO, 8 seats), the Movement of Social Democrats (EDEK, 5 seats) the European Party (EK, one seat) and the Ecologists-Environmentalists Movement (Cyprus Green Party or KOP, one seat).
5. Document AS/Mon (2015) 12.
6. Comments by the delegation of Cyprus to the Parliamentary Assembly on the preliminary draft periodic report on Cyprus, AS/Mon (2015) 25.
7. Article 181 and Appendix I of the Constitution of the Republic of Cyprus.
8. Assembly Resolution 573 (1974).
9. Other duties of the UNFICYP include to encourage the fullest possible resumption of normal civilian activity in the buffer zone, to contribute to law and order in the buffer zone and assist in investigations and in the Force's humanitarian activities, to discharge certain humanitarian functions for the Greek Cypriots and a small Maronite community living in the northern part of the island. It also periodically visits Turkish Cypriots living in the southern part of the island and helps them maintain contact with their relatives in the north, www.un.org/en/peacekeeping/missions/unficyp/background.shtml.

6. The population of the southern two thirds of the island, governed by the authorities of the Republic of Cyprus, is almost entirely Greek Cypriot, while the population of the northern part of the country, which is not under the effective control of the Government of the Republic of Cyprus,[12] comprises Turkish Cypriots, settlers from the Turkish mainland and around 42 000 Turkish troops.[13]

7. Following a number of attempts to solve the Cyprus issue, including the "Annan Plan" in 2004,[14] fresh impetus was given to the peace talks with the adoption, in February 2014, of a joint declaration by President Nicos Anastasiades and the Turkish Cypriot leader Derviş Eroğlu, stating that the settlement should be based on a bi-communal, bi-zonal federation with political equality as set out in the relevant United Nations Security Council resolutions and the High-Level Agreements. However, the talks over the divided island were suspended on 7 October 2014, after Turkey delivered a Navigational Telex directive and sent a seismographic ship to monitor oil and gas exploration in the southern part of the Exclusive Economic Zone of the Republic of Cyprus.[15]

8. Following the change of leadership in the Turkish Cypriot community in April 2015, the two leaders resumed negotiations on 15 May 2015. The climate improved significantly and there is a general sense of hope that conditions will soon prevail that may enable the two leaders to achieve substantive progress. The two leaders have also agreed to work on confidence-building measures aiming at improving the everyday lives of the people and at building trust and confidence among the two communities.

2.2. The issue of missing persons

9. The division of the island after the tragic events of 1963-64 and 1974 had dramatic human consequences and the question of missing persons remains open.[16] According to the Committee on Missing Persons in Cyprus, as at 30 June 2015, 1 057 Greek Cypriots and 349 Turkish Cypriots are still missing, whereas respectively 451 and 144 have been identified since 2006.[17] In 2013, the Assembly welcomed the range of judgments of the European Court of Human Rights concerning persons who went missing following conflicts between, *inter alia*, Cyprus and Turkey, which "highlighted the responsibility of States to trace missing persons and hold them to account for failing to do so, clarified that States involved in relevant conflicts remain under an obligation to solve the issue of missing persons until a proper investigation has been carried out". The Assembly expressed its confidence that by further examination of relevant cases the European Court of Human Rights would continue to push member States to speed up the process of bringing truth to families on the fate of their missing relatives.[18] In this context, a positive reference should be made to the Joint Statement issued on 28 May 2015 by President Anastasiades and the Turkish Cypriot leader Mustapha Akıncı on the issue of missing persons, which stresses the importance of working towards closure of this tragic issue and urges anyone who may have information as to the location of burial sites to inform the Committee of Missing Persons accordingly.

10. It should be noted that in a recent decision related to the Inter-State application lodged by Cyprus in 1994,[19] the Grand Chamber of the European Court of Human Rights, in its judgment of 12 May 2014 (on just satisfaction), ordered Turkey to pay Cyprus 30 million euros in respect of the non-pecuniary damage suffered

---

10. In 2014, the Parliamentary Assembly exceptionally awarded both the "Flag and Plaque of Honour of the Council of Europe" to Nicosia, rewarding the numerous efforts made by this city to promote European co-operation, notably with its policy of twinning towns. See the website of the PACE Europe Prize.

11. 927 uniformed personnel (859 troops and 68 police), 37 international civilian personnel and 111 local civilian staff as at 31 January 2015. www.un.org/en/peacekeeping/missions/unficyp/facts.shtml.

12. The breakaway "Turkish Republic of North Cyprus" is only recognised by Turkey.

13. www.cyprusprofile.com/en/country-information/politics.

14. The United Nations-backed "Annan Plan", which was rejected on 24 April 2004 by 76% of the Greek Cypriots, while being supported by a majority in the northern part.

15. Following the 2003 Agreement between Cyprus and Egypt on the delimitation of the Exclusive Economic Zone, Turkey and the Turkish Cypriot leadership in the northern part consider that the island's natural resources should be exploited in an equitable manner under a united Cyprus.

16. On 12 February 2015, the European Parliament adopted a resolution on mass graves of the missing persons of Ashia in Ornithi village in the occupied part of Cyprus (2015/2551(RSP)).

17. Figures as at 30 June 2015: www.cmp-cyprus.org/media/attachments/Quick%20Statistics/CMP_Facts_and_Figures_June_2015.pdf.

18. Resolution 1956 (2013) "Missing persons from Europe's conflicts: the long road to finding humanitarian answers", See also Doc. 13294. The Court had concluded, in the 4th Interstate Application of Cyprus v. Turkey on 10 May 2001, that there was a "continuing violation of Article 2 of the Convention on account of the failure of the authorities of the respondent State to conduct an effective investigation into the whereabouts and fate of Greek-Cypriot missing persons who disappeared in life-threatening circumstances".

by the relatives of 1 456 missing persons, and 60 million euros in respect of the non-pecuniary damage suffered by the enclaved Greek-Cypriot residents of the Karpas Peninsula.[20] Turkey has not complied with its obligation to pay the amounts awarded by the Court within the deadline set in the relevant judgment.

2.3. The bank crisis of 2013-2014

11. In 2012, the economy of Cyprus, based on services, tourism, light manufacturing and, more recently, financial services provided to investors, especially from Russia and eastern Europe, was badly hit by its extensive exposure to the recession-hit economy of Greece. The country was forced to seek emergency help from international lenders.[21]

12. The crisis in the bank sector originated in the rapid liberalisation of the economy following the country's accession to the European Union and the adoption of the euro, the global financial crisis that broke in 2008, the rising number of non-performing loans, risky expansion strategies, imprudent lending and the running of a large bank sector with low supervision and weak bank governance and a lack of resources when the banks needed rescuing. The collapse of the Greek economy and Cyprus' significant exposure to Greek Government bonds was the last straw for the sector, destroying the banks' balance sheets.

13. When a ten billion euros bailout agreement[22] was reached with the Eurogroup in April 2013, Cyprus had to impose losses on large depositors in two of its major banks, the Bank of Cyprus and the Laiki Bank. This was immediately followed by the closure of the entire banking sector for nearly two weeks with the imposition of capital controls in a bid to prevent a run on the banks. Cypriots and the local banking sector were severely hit by the closing of the Laiki Bank and the restructuring of the Bank of Cyprus, which entailed a "haircut" of 47.5% imposed on depositors. Deposits exceeding €100 000 were turned into equity to recapitalise the Bank of Cyprus, which was also landed with most of Laiki's assets and debts, including €9.2 billion in emergency liquidity assistance.

14. The measures taken were severe and there was – and still is – much understandable anger over these events. The once-prosperous Cypriot economy sustained painful losses the GDP dropped by 7.7% in cumulative terms during 2013-2014.[23] The living standard of the population fell sharply. Yet, unlike other EU countries undergoing bailout programmes, Cyprus did not see a run on the banks or violent riots, but a defiant show of resilience and solidarity among the Cypriots. The restructuring of the financial sector and the redesign of the business model of the financial institutions, as well as the reform of the regulatory and supervisory framework, are essential for Cyprus to establish a smaller, stronger and safer banking sector. Cyprus is a common law country with a very competitive business environment and an investment-friendly taxation structure, and expanding investment opportunities in the tourism, real estate and oil and gas sectors.[24]

15. Today, Cyprus is still coping with the impact of the bank crisis and the implementation of the bailout programmes. A number of measures related to public finances, the financial sector and structural reforms have been adopted and implemented, albeit sometimes belatedly in the context of the Macroeconomic

---

19. This case concerned the situation in northern Cyprus since the division of the territory. The Court's principal judgment was delivered on 10 May 2001. It found:

– continuing violation of Articles 2 (right to life), 3 (prohibition of inhuman or degrading treatment) and 5 (right to liberty and security) concerning Greek-Cypriot missing persons and their relatives;

– continuing violation of Article 8 (right to respect for private and family life, home and correspondence) and Article 1 of Protocol No. 1 (protection of property) in conjunction with Article 13 (right to an effective remedy), concerning the homes and property of displaced persons;

– violation of Article 9 (freedom of thought, conscience and religion), Article 10 (freedom of expression), Article 2 of Protocol No. 1 (right to education), Articles 3 (prohibition of inhuman or degrading treatment), 8 (right to respect for private and family life) and 13 (right to an effective remedy) and continuing violation of Article 1 of Protocol No. 1 (protection of property), concerning the living conditions of Greek Cypriots in the Karpas region of northern Cyprus;

– violation of Article 6 (right to a fair hearing) on account of the legal practice to authorise military courts to try civilians.

See www.echr.coe.int/Documents/CP_Turkey_ENG.pdf.

20. Cyprus v. Turkey, Application No. 25781/94; judgment (Just satisfaction) of 12 May 2014.
21. www.bbc.com/news/world-europe-17217956.
22. See the Memorandum of understanding with the European Union on Economic Policy Conditionality signed by Cyprus and the EU finance ministers: www.mof.gov.cy/mof/mof.nsf/MoU_Final_approved_13913.pdf. Detailed information on the measures taken can be found here www.europeanmovement.ie/just-the-facts-cyprus-bailout/.
23. www.cyprusprofile.com/en/country-information/overview.
24. www.cyprusprofile.com/en/articles/view/cyprus-banking-crisis-causes-and-consequences-bailout.

Adjustment Programme. A law on foreclosure was adopted by a simple majority on 18 April 2015,[25] paving the way for the bailed-out island to join the European Central Bank's sovereign bond-buying programme. Cyprus' economy is however still facing problems and some serious challenges.

16. The Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL)[26] is also following the situation of the bank system through the preparation of reports on the "Special Assessment of the Effectiveness of the Customer Due Diligence Measures in the Banking Sector in Cyprus". A new report is due in September 2015.

3. Key challenges with respect to democracy, human rights and the rule of law

17. As at 30 June 2015, Cyprus had ratified 134 Council of Europe treaties and signed 16 additional treaties without ratification, including the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, "Istanbul Convention") on 16 June 2015. On 12 February 2015, Cyprus ratified the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201, "Lanzarote Convention"). This ratification followed an active participation in the "One in Five Council of Europe Campaign"[27] and the implementation of a pilot project co-funded by the Leventis Foundation and the Parliamentary Assembly.[28]

3.1. Detention of irregular migrants and asylum seekers

18. Cyprus has faced an important influx of refugees and asylum seekers due to its geographical position. According to official data collected by the United Nations High Commissioner for Refugees (UNHCR), 4 281 refugees and 2 830 asylum seekers were residing in Cyprus in July 2014.[29] Given the ongoing conflict in Syria and other regions, the number of migrants in irregular situations or asylum seekers is likely to be much higher in reality. The detention of irregular migrants and asylum seekers in Cyprus has been a continuous concern. Lengthy detention of aliens in inadequate conditions was highlighted by the Commissioner for Human Rights in 2008**,** the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) the UNHCR and Amnesty International.[30] On 21 July 2015, the European Court of Human Rights found a violation of Article 5.1 (lawfulness of their detention in relation to their transfer to and stay at the police headquarters) in the application concerning the deportation of 17 asylum seekers from Cyprus to Syria in 2012.[31]

---

25. This law was adopted in December 2014 with a view to facilitating the release of €350 million bailout loan tranches from the European Union. The House of Representatives had decided, in January 2015, to suspend the implementation of the law and to block repossessions until 2 March 2015. However, President Nicos Anastasiades vetoed the law on 10 February 2015, and sent the bill back to parliament, citing the economic risks to Cyprus from not complying with the terms of the bailout programme as a result of non-implementation of foreclosures, thus preventing Cyprus from borrowing from the markets. Some opposition parties however fear that enforcement of the foreclosures law will open the floodgates to repossessions of homes and small business premises. According to the Central Bank data though, loans taken out on owner-occupied housing account for just 14% of all debt in arrears, thus strongly suggesting that primary residences are not top of the banks' priority list in chasing down bad debtors. See http://cyprus-mail.com/2015/02/16/opposition-vows-to-continue-blocking-foreclosures/ and http://cyprus-mail.com/2015/02/11/anastasiades-sends-foreclosures-suspension-law-back-to-house/.

26. See the Reports produced in 2013 and 2014 by a team of international experts under the auspices of MONEYVAL in response to a request by the President of the Eurogroup Working Group and the reports prepared by Cyprus. See also MONEYVAL's Annual report for 2014, pp. 29-30.

27. Stella Kyriakides (Cyprus, EPP/CD) as General Rapporteur on Children of the Parliamentary Assembly and the partners of the "One in Five" Steering Group, established in Cyprus, in 2013, in order to promote the aims of the Campaign.

28. This project aims at reviewing the existing methodologies, modalities and structures for data collection on child sexual abuse, and strengthening national policies to stop sexual violence against children. See the One in Five Campaign website.

29. www.unhcr.org/pages/49e48dba6.html.

30. Amnesty International Index: EUR 17/001/2014, www.amnesty.org/en/library/asset/EUR17/001/2014/en/6537b73e-17aa-4363-a20e-8ae571df76c6/eur170012014en.pdf, 1 July 2014, Detention of irregular migrants and asylum seekers should be only last resort.

31. *A.H. and J.K. v. Cyprus* (Applications Nos. 41903/10 and 41911/10), *H.S. and Others v. Cyprus* (Applications Nos. 41753/10, 41786/10, 41793/10, 41794/10, 41796/10, 41799/10, 41807/10, 41811/10, 41812/10, 41815/10, 41820/10, 41824/10, 41919/10 and 41921/10) *K.F. v. Cyprus* (Application No. 41858/10), The applicants in the first case are two Syrian nationals of Kurdish origin, who are husband and wife and are currently living in Paphos (Cyprus). The applicants in the second case are 12 Syrian nationals of Kurdish origin and two Ajanib (registered stateless) Kurds of Syria who were all deported in 2012; the majority of them are currently living in Syria, some in Northern Iraq and the others either in Austria,

19. In the light of the continuous influx of asylum seekers and refugees via the Green Line, through the areas that are not under the effective control of the Government of the Republic of Cyprus, the then Commissioner for Human Rights, Thomas Hammarberg, recommended in 2008 the reinforcement of the Asylum Service, seeking practical co-operation to discourage this influx, and providing prompt and understandable information on social protection to asylum seekers and refugees. He urged the authorities to adopt the Law on Free Legal Aid.[32]

20. The Commissioner noted that many detainees appeared to lack information about the envisaged length of their detention, and therefore urged the authorities to instruct police officers more clearly and enable them to explain to detainees the administrative measures allowing for a decision on their release. The Commissioner called on the authorities to ensure access to judicial review of deportation and detention decisions in practice as well as to guarantee that detainees can regularly receive visitors, including members of NGOs. In July 2015, the authorities indicated that access to lawyers, relatives and NGOs is guaranteed for all detainees. In addition, all persons subject to a return decision due to illegal residence are allowed free legal aid.[33]

21. The question of the treatment of foreign nationals was also raised in the CPT reports (see below), and remains a topical issue. A 2014 publication by Amnesty International showed that the detention of asylum seekers for immigration purposes should only be used in exceptional circumstances, and that the human rights of irregular migrants during deportation procedures should be respected, urging notably the government to ensure that “less restrictive alternatives to detention are always considered first and given preference”, to release irregular migrants “when their removal from Cyprus cannot be implemented within a reasonable time” and that the decision to detain irregular migrants be reviewed periodically “by a judicial body on the basis of clear criteria set out in law”.[34] The authorities however stressed that the detention of persons awaiting deportation, as regulated by the Aliens and Immigration Law, is only used as a measure of last resort. Furthermore, according to the Cyprus Refugee Laws adopted between 2000 and 2014, it is forbidden to detain an applicant solely because of his/her capacity as an asylum seeker and the legislation sets down provisions for alternatives to detention for asylum seekers. [35]

22. The Cypriot authorities provided me with updated information about the asylum policy,[36] which determines all aspects of return for illegally residing migrants. The authorities stressed that detention periods never exceed the 18-month period required by the Directive. A deportation order is suspended if a third country national submits an application for international protection while being detained, in respect of the principle of *non-refoulement*.[37] Measures have been taken to effectively separate all immigrant detainees from criminal suspects, until the former are transferred to Menoyia Detention Center.

3.2. Overcrowded prisons and ill treatment

23. The question of the treatment of foreign nationals was also raised in the last report of the CPT. In 2014, the CPT deplored that a number of allegations of physical ill treatment and verbal abuse of detainees by custodial staff at the Menoyia Detention Centre were received regarding foreign nationals detained under aliens’ legislation, including allegations of the inappropriate use of tear gas within the Centre. Recommendations were made to reduce the official capacity of the Centre, to introduce a range of purposeful activities and to develop the role of the staff. In addition, the lack of health-care resources was criticised as well as the lack of a systematic medical assessment upon admission and medical confidentiality. More generally, the CPT recommended that irregular migrants be no longer detained in police stations but in the Menoyia Detention Centre, which is specially designed to meet their specific needs.[38] Special attention was also paid to the detention of unaccompanied minors and mothers with children.

Greece or Cyprus. The applicant in the third case is a Syrian national of Kurdish origin who was born in 1979. He left Cyprus voluntarily in 2012 and is currently living in Northern Iraq. All but one of the 17 applicants entered Cyprus illegally between 2004 and 2011; the other one entered Cyprus on a tourist visa. See press release of 21 July 2015.

32. CommDH(2008)36, 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, Strasbourg, 12 December 2008.

33. This results from the transposition of Article 13(4) of the Directive 115/2008.

34. Amnesty International Index: EUR 17/001/2014.

35. AS/Mon (2015) 25, p. 7.

36. Following the transposition, in 2011, of the Directive 2008/115/EC of the European Parliament and the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, See AS/Mon (2015) 25.

37. According to Article 3 of the European Convention on Human Rights and Article 18 of the Charter of Fundamental Rights of the European Union.

24. On these issues, the authorities indicated that several measures have been taken to upgrade the recreational activities in the Menoyia Detention Centre to improve detention conditions.[39] Guidelines will be issued by the Ombudsman Office stipulating the procedures to be followed in relation to the treatment of unaccompanied minors or persons alleging to be minors.

25. The CPT also received a number of allegations of physical ill treatment by police officers, mostly in respect of foreign nationals. The alleged ill treatment occurred after apprehension, during transportation or in the context of interviews at a police station; it consisted primarily of slaps, punches and kicks to the head and body. The allegations mainly concerned members of the Immigration and Aliens' Police (YAM) and of the Crime Investigation Department (CID) and in a few cases the delegation was able to gather medical evidence that was consistent with the allegations.

26. The authorities indicated to me that in cases of alleged ill treatment, several mechanisms exist to file a complaint and instigate investigation procedures, including recourse to the Independent Authority for the Investigation of Allegations and Complaints against the Police, criminal or/and disciplinary procedures, the Attorney General, the Ombudsman, the Commissioner for Children's Rights, and the Police Professional Standards, Audit and Inspection Directory. Additionally, on 5 March 2013, the Minister of Justice and Public Order appointed a three-member Complaint Committee, which should, either *ex officio* or upon request of the detainee, review decisions taken by the detention centre and investigate any complaints made by detainees.

27. The CPT welcomed the creation of a Police Code of Conduct by the police in collaboration with the Ombudsman and an expanded mandate established for, and new instructions issued by, the Attorney General to refine and expedite the procedure for addressing allegations of police misconduct and to strengthen the investigatory process. At the same time, the CPT recommended that certain safeguards to prevent ill treatment could be strengthened, notably the right of persons held in police custody to enjoy in practice the possibility to meet and speak in private with a lawyer from the very outset of deprivation of liberty or the holding of persons for several days or more in police stations designated as suitable for periods of up to 24 hours only. Furthermore, the CPT called on the authorities to review the system of remand detention on police premises with a view to substantially reducing its duration (namely not beyond four days). In 2014 and 2015, a number of measures were taken to strengthen the implementation of existing legislation ensuring human rights compliance by the police including the obligation that the Independent Authority for the Investigation of Allegations and Complaints against the Police be informed within 24 hours of any allegations of mistreatment.[40]

28. Overcrowded prisons are also among the problems faced by Cyprus. The main part of Nicosia Central Prison held 523 inmates for only 324 places, prompting the CPT to call on the Cypriot authorities to adopt and implement a coherent strategy to combat overcrowding. This fact was also confirmed in the latest Council of Europe Annual Penal Statistics, where Cyprus was listed among the countries that suffered the most serious overcrowding.[41]

29. The authorities consider that this phenomenon has been greatly reduced[42] as a result of measures taken by the competent authorities. The general prison population is 550 on average and the prison capacity is 469. The Ministry of Transport, Communications and Works is undertaking preparatory work for the construction of new prisons and the identification of the most suitable construction site; this should be completed in September 2016.

30. In their response, the Cypriot authorities outlined the new procedures put in place to tackle the issue of ill treatment, including the introduction of specific training for staff working with juveniles and mixed-gender staffing throughout various areas of the prison and the decision to offer all prisoners open visits, with closed visits only being imposed for security-related issues.

31. Further CPT recommendations relate to cell searches, conditions of detentions, medical screening of newly arrived prisoners, improvement of patients' living conditions and medication in psychiatric institutions and purposeful activities for inmates, particularly for young offenders and juveniles and the need to introduce

38. CPT report on its sixth visit to Cyprus, which took place in September/October 2013, together with the response of the Cypriot authorities, CPT/Inf(2014)31.
39. AS/Mon (2015) 25, pp. 6-7.
40. AS/Mon (2015) 25.
41. Press release – DC015(2015) – The economic crisis hampers improvement of conditions in European prisons (SPACE I and SPACE II surveys, 2013).
42. The prison population in 2013 was 649 on average and the capacity was just 324 (Statistics SPACE 1 and II, 2014).

a comprehensive suicide prevention and management approach. The imminent introduction of a trauma register and special injuries form and the preparation of guidelines, training of staff and the establishment of a wing for vulnerable prisoners announced by the authorities is to be welcomed.

3.3. Trafficking in human beings

32. Cyprus ratified the Council of Europe Convention on Action against Trafficking in Human Beings in 2007. Between 2008 and 2010, 223 victims of trafficking were identified, all of them foreign nationals, and the majority being women for the purpose of sexual exploitation. There have also been an increasing number of cases of trafficked men for the purpose of labour exploitation.[43] In 2008, the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, expressed his deep concern about that the scheme of so-called "cabaret artist" work permits, which were unlawfully used by cabaret owners for the sake of prostitution and allowed trafficking of women for sexual exploitation mainly in bars, nightclubs and so-called "cabarets". The Commissioner strongly urged the authorities to abolish such permits. The system of "artist" visas was indeed abolished in 2008, and replaced by a new "performing artists" regime which, however, is still susceptible to abuse according to the Group of Experts on Action against Trafficking in Human Beings (GRETA).

33. In the case *Rantsev v. Cyprus and Russia* (Application No. 25965/04), the European Court of Human Rights pointed to the failure by the Cypriot authorities to conduct an effective investigation into the death of the applicant's daughter in 2001 She travelled from the Russian Federation to Cyprus on an "artist" visa and died there in ambiguous circumstances (violation of Article 2, procedural aspect). The Court recalled the positive obligation of Cyprus to set up an appropriate legislative and administrative framework to combat trafficking and exploitation resulting from the "artists" visa system and found that the police failed to take adequate specific measures to protect the applicant's daughter (violation of Article 4). The Court also found that the Russian authorities failed to conduct an effective investigation into the recruitment of the applicant's daughter in Russia (violation of Article 4, procedural aspect). The detention of the applicant's daughter by the Cypriot police was also arbitrary and unlawful, with no basis in domestic law and acquiescence in her subsequent arbitrary and unlawful confinement in a private apartment (violation of Article 5.1 of the European Convention on Human Rights (ETS No. 5)).

34. Considering the improvement of the legislative and administrative framework in the above case, the Committee of Minister decided to close the examination of the general measures in respect of Cyprus[44] while continuing to monitor the execution of the individual measures. The Cypriot authorities submitted a revised consolidated action report on 8 July 2014 and a further update on 7 November 2014, which are both currently under assessment. It is expected of Cyprus and the Russian Federation to make progress on the investigation and exchange of information to fully execute the Court's judgment.

35. In its 2011 recommendation, the Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings invited Cyprus to implement the proposals made by GRETA[45]. It notably invited the Cypriot authorities to closely monitor the application of the visa regimes for performing artists and other groups at risk.[46]

36. In their reply of September 2013,[47] the Cypriot authorities announced the abolition of the "artist visa", the adoption of the new National Action Plan against Trafficking in Human Beings 2013-2015, the publication of booklets with information for third country nationals on health and social services and on trafficking. The authorities announced the preparation of a new anti-trafficking law, which should transpose Directive 2011/36/EU, but also include GRETA recommendations on legislation and address the shortcomings and difficulties encountered in its application. This new law would include the criminalisation of the known use of services of trafficked persons and the inclusion of aggravating circumstance of trafficking in human beings committed by a public official in the performance of his/her duties.

---

43. GRETA first evaluation report, GRETA(2011)8, p. 10.
44. Decision adopted by the Committee of Ministers at its1144th meeting, 6 June 2012, Case No. 8.
45. See the GRETA first evaluation report, GRETA(2011)8, pp. 7-8.
46. Recommendation CP(2011)2 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Cyprus, adopted at the 6th meeting of the Committee of the Parties on 26 September 2011.
47. CP(2013)12, report submitted by the Cypriot authorities on measures taken to comply with Committee of the Parties Recommendation CP(2011)2, received on 30 September 2013.

37. The anti-trafficking provisions ought to be used more by the public prosecution: even though many cases are investigated under the 87(I)/2007 Anti-trafficking Law, convictions are still mainly based on the penal code. Nevertheless, a court case ended in 2013 with a ten-months conviction on grounds of labour exploitation, according to the provisions of the 87(I)/2007 Law.[48] GRETA carried out a visit to Cyprus from 8 to 11 December 2014 to prepare the second evaluation report.

38. I was pleased to learn from the Cypriot authorities that a number of measures have been taken to improve the identification of cases of trafficking in human beings in the domestic, agriculture and tourist sectors[49] and prevent trafficking in human beings. These measures include:

– the abolition of the "artist visas" system in 2008 and its replacement by an improved system in 2010; limitation of the number of work permits to third-country nationals to one for each bartender establishment, and a ban on entry on some third-country nationals since it was shown that they were particularly vulnerable to trafficking in human beings in 2010;

– the revision of the terms of employment for domestic workers in April 2015, which limits the duration of their maximum stay to six years and the lifting of restrictions as regards the change of employer, which were replaced by new conditions, as well as the lifting of all criteria for the employment of male domestic workers;

– the adoption of a new and comprehensive anti-trafficking legislation (Law 60(I)/2014) on 15 April 2014, which is victim-oriented, takes into account the relevant European Union Directives[50] and addresses most of GRETA's recommendations, including penalisation of the use of services of a victim of trafficking, liability of legal persons and penalties, the creation of a special fund for the support of trafficking victims, as well as awareness-raising and training activities to better identify the victims, reduce the number of future users and discourage the demand for services provided by trafficked persons.

39. Law 60(I)/2014 also provides that victims have the right to physical, psychological and social restitution,[51] as well as access to the necessary means of subsistence, free health care, translation and interpretation services and education. They can have temporary residence permits renewed, and the right to file a claim for compensation against the trafficker. This applies to all victims, irrespective of their nationality and residence status. They can be repatriated, under certain conditions, in co-operation with their country of origin in order to avoid revictimisation.

40. Finally, the National Action Plan against Trafficking in Human Beings (2013-15) sets a comprehensive framework for addressing trafficking in human beings. The House of Representatives also approved, on 29 May 2014, a Cooperation Agreement with the International Organisation for Migration (IOM), for the IOM to operate in Cyprus and provide advisory and technical services on immigration, international immigration law, combating of trafficking, return of irregular migrants, voluntary repatriation, internally and externally displaced persons and other persons in need, resettlement programmes, etc.

3.4. Fight against corruption and transparency of political party funding

41. A recent report published by Transparency International Cyprus indicates that there is one of the highest perceptions of links between politics and business among the population of EU countries[52], and that a lack of regulation of lobbying activities, favouritism and political connections undermine democracy in Cyprus.[53]

---

48. CP(2013)12, p. 32.
49. The adoption of the "performing artists" regime in 2008 led to a falling trend in the number of permits granted for employing third-country nationals in cabarets. In 2009, the Labour Department approved the employment of 1 136 performing artists while this number decreased to 52 in 2014. The number of recognised victims of trafficking for the purpose of labour exploitation surpassed that of victims for sexual exploitation in 2014. More data were made available about the identification of trafficking victims. See AS/Mon (2015) 25, p. 9.
50. Directive 2004/81/EC, and Directive 2011/36/EU of the European Parliament and the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims.
51. Article 47 of Law 60(I)/2014.
52. In Cyprus, 83% of the respondents to an EU survey believed that the only way to succeed in business in their country was with political connections: www.transparencycyprus.org/el/wordpress/archives/1284.
53. www.transparencycyprus.org/el/wordpress/archives/1648, 4 December 2014.

42. In its Third Round Evaluation Report (published in 2013) dedicated to the themes "incrimination" and "transparency of party funding",[54] the Group of States against Corruption (GRECO) commended a series of amendments introduced in the Criminal Code, the Prevention of Corruption Law and the two laws ratifying the Council of Europe Criminal Law Convention and its Additional Protocol. This has remedied some important deficiencies, namely insufficiently dissuasive pecuniary sanctions for corruption offences, and imprecise definition of some bribery offences. However, it stressed that more steps were needed in order to create a coherent and robust legal framework, free from inconsistencies, preferably through gathering all corruption crimes in a single legal instrument. In so far as incriminations are concerned, legislative reforms aimed at ensuring greater coherence of the existing provisions are to be commended.

43. As far as the transparency of political financing is concerned, the adoption of a new Political Parties Law, in December 2012, brought enhanced transparency into political financing in Cyprus, introducing an explicit obligation for political parties to keep accounting books containing information on income, expenditure, assets and debts, including from local branches and affiliated organisations, as well as income and expenses pertaining to election campaigns. The financial statements of political parties are now subject to independent audit and external supervision by the Auditor-General of the Republic, and are to be performed on an annual basis. The results of the auditing are to be made available to the general public.

44. However, the legal framework did not address some remaining weaknesses identified by GRECO in respect of political parties, in particular the lack of a consistent format for political parties' accounts, the absence of an external supervision of incomes and expenditures in connection specifically with election campaigns, as well as the lack of publication of the parties' accounts and individual donations above a certain threshold. Law 72/79 on the Election of Members of the House of Representatives, which was subject to criticism in the Evaluation Report, remained unchanged; there is still no adequate external supervision and effective, proportionate and dissuasive sanctioning of candidates in elections for violations of the legislation concerning the submission of financial statements.[55]

45. In April 2015, GRECO published its second compliance report.[56] It regretted the slow progress in Cyprus in transparency of party financing and incriminations. It concluded that Cyprus "has not used the extra time" since previous reports to adopt "new pertinent measures" to combat corruption-related offences. It also indicated that progress to make party financing more transparent had been "slow, even though Cyprus is visibly committed to pass a series of amendments to improve transparency and supervision of political financing". Tangible progress since the adoption of the First Compliance Report of March 2013 had been limited with respect to incriminations, and Cyprus had failed to adopt new pertinent measures supporting the effective application in practice of its criminal law provisions on corruption-related offences, to make the legal framework more accessible and to improve its uniformity.

46. In relation to Theme II (transparency of party funding), GRECO noted that the country had prepared a new set of amendments to the 2012 Political Parties Law (Law 175(I)/2012) which still needed to be adopted by parliament (and subsequently enforced). The draft foresees a series of important changes such as a ban on anonymous donations and public sponsorship of political parties, the systematic recording of all donations, the disclosure of donors above a certain amount of support provided in a year. Specific information on campaign financing would be better accounted for and publicly disclosed if the Political Parties Law was amended as intended. Also, a more flexible system of sanctions was being considered, which was meant to facilitate the actual enforcement of legislation on political financing.

47. Cyprus therefore needs to pursue more vigorously its efforts in a series of areas such as the supervision of political financing and to ensure that an independent and effective control mechanism will be established for the future. A number of draft laws still needed to be adopted in parliament.[57] As a consequence, given that "a vast majority of recommendations remain partly implemented", GRECO considered the situation as "globally unsatisfactory"[58] and, in line with its rules, asked the Head of the Cypriot delegation to provide a report on the progress made in implementing the remaining recommendations by 30 September 2015 at the latest.[59]

---

54. Greco RC-III(2012)24E, Third Evaluation Round Compliance Report on Cyprus "Incriminations (ETS Nos. 173 and 191, GPC 2)" and "Transparency of Party Funding", Adopted by GRECO at its 59th Plenary Meeting (Strasbourg, 18-22 March 2013). GRECO concluded that Cyprus had implemented satisfactorily two of the eight recommendations.
55. Ibid.
56. Third evaluation round: second compliance report on Cyprus: "Incriminations (ETS Nos. 173 and 191, GPC 2)", "Transparency of party funding" adopted by GRECO at its 67th plenary meeting, Strasbourg, 23-27 March 2015, published on 29 April 2015, Greco RC-III(2015)1E second compliance report.
57. Ibid., paragraph 55.
58. Within the meaning of Rule 31, paragraph 8.3 of GRECO's Rules of Procedure.

48. As far as “incriminations” are concerned, the authorities reminded me of the legislative reforms made, such as a series of amendments introduced in the Criminal Code, the Prevention of Corruption Law and the two Laws ratifying the Council of Europe Criminal Law Convention and its Additional Protocol, which have remedied important deficiencies.

49. As mentioned in the GRECO report, the authorities confirmed that there are important draft laws under preparation, which we expect Cyprus to adopt as a matter of priority in order to improve transparency and supervision of political financing. These include:

– the Law amending the 2012 Political Parties Law and the Law amending the Law on the Election of Members of the House of Representatives, which are currently being considered by the relevant parliamentary committees;

– the Law amending the Election (President and Vice-President) Law, which “is about to be submitted to the Council of Ministers for its approval and, subsequently, to be submitted to the parliament”;

– three draft laws pertaining to the declaration of assets pending before the parliament dealing with: 1) the amendment of Article 15 of the Constitution, which would enable restrictions to the right to private life whenever this is deemed to be necessary for the interest of transparency in public life or for the adoption of measures against corruption; 2) the amendment of Law 49(I)/2004 on the declaration of the assets of the President, the Ministers and the Members of Parliament; and 3) the amendment of Law 50(I)/2004 on the declaration of the assets of certain Officials of the Republic.

I was also informed that further measures to fight corruption that would ensure the protection of whistle-blowers are being examined

50. A bill on transparency of politicians’ earnings has been prepared by the government to promote transparency based on the GRECO recommendations. Its adoption would be a positive step. The establishment of an Independent commission against corruption, the enactment of whistle-blowing protection legislation and the appointment of an anti-corruption commissioner would further enhance the legal framework to combat corruption.

3.5. Anti-discrimination policies

51. In 2014, the European Commission against Racism and Intolerance (ECRI) noted progress in the implementation of the recommendation made to develop further the Crime Report System to ensure that accurate data and statistics are collected and published on the number of racist and xenophobic incidents and offences that are reported to the police, on the number of cases that are prosecuted, on the reasons for not prosecuting and on the outcome of cases prosecuted, in accordance with ECRI’s General Policy Recommendation No. 1 on combating racism, xenophobia, anti-Semitism and intolerance. It states that efforts were still needed to improve the court archiving system so that cases are classified also by subject matter and clearly indicate racist elements.[60] In this respect, I was informed that the police has updated since 2014 its method of keeping a publicly accessible database of offences and incidents of a racial nature or with a racial motive, and has since published relevant data on the police website.[61]

52. In Cyprus, Greek and Turkish are official languages. In this context, ECRI reviewed, in its 2014 interim recommendations, the policy Zones of Educational Priority (ZEP);[62] in particular in respect of the 18th Primary School in Limassol. ECRI urged Cyprus to ensure that the right to education (Article 2 of the Protocol to the European Convention on Human Rights) is respected in practice. While progress was noted by ECRI on the issue of training and schoolbooks, the authorities gave no indication as to the appointment of additional Turkish-speaking teachers or assistants, as proposed by ECRI, nor of specialist Greek language teachers. Despite a decline in the percentage of Turkish Cypriot pupils in the 18th Primary School from 50% to around 30%, ECRI considered that it was essential for these children to receive adequate linguistic support in order for their educational needs to be met. It encouraged the authorities to continue their efforts and employ additional Turkish-speaking teachers and/or classroom assistants as well as specialist Greek language teachers.

---

59. Ibid., paragraph 56.
60. ECRI conclusions on the implementation of the recommendations in respect of Cyprus subject to interim follow-up, adopted on 19 March 2014, published in June 2014, CRI(2014)21.
61. AS/Mon (2015) 25.
62. ZEPs cover schools in neglected areas with a pupil population coming from families of a low socio-economic and educational level, which are characterised by a high record of school failure and functional illiteracy, a large number of migrant or foreign language speaking pupils and a high number of drop-outs.

53. The Ministry of Education and Culture explained that it seeks to ensure equal access to education for all children living on the island and effective access to compulsory education, the right to education being safeguarded in the Republic's Constitution. However, since 2006, the number of Turkish Cypriot pupils attending the Agios Antonios Primary School has considerably decreased. In 2006-2007, 47 pupils attended, compared to 29 in 2014-2015 (25 of whom identify themselves as Roma). Despite this decrease, the number of Turkish-speaking teachers and interpreters remained the same[63], and was considered adequate to meet linguistic and educational needs, bearing in mind the difficult financial situation.

54. Since the publication of ECRI's report on Cyprus, the Ministry of Education and Culture said that it had fully implemented the programme "Zones of Educational Priority", particularly in respect of the Agios Antonios Primary School, thus ensuring that the right to education as enshrined in Article 2 of the Protocol to the Convention is respected in practice.

3.6. Regional and minority languages

55. Concerning the use of regional and minority languages, the third monitoring cycle[64] of the implementation of the European Charter for Regional or Minority Languages highlighted the positive attitude of the Cypriot authorities towards the needs and wishes of the speakers of the regional or minority languages.[65] However, a more structured approach targeting specifically the Armenian and the Cypriot Maronite Arabic languages is needed, as is increased awareness among the majority about Cyprus' regional or minority languages as an integral part of the country's cultural heritage.[66]

56. In its 2014 recommendation,[67] the Committee of Ministers invited the Cypriot authorities take account of all the observations and recommendations of the Committee of Experts and, as a matter of priority, to provide teaching of Armenian at upper secondary level, to take immediate measures to strengthen and extend the teaching of Cypriot Maronite Arabic, to provide teacher training for Armenian and Cypriot Maronite Arabic, and to strengthen the presence of Armenian and Cypriot Maronite Arabic in broadcasting.

57. The Ministry of Education and Culture indicated that, as of 2015, a specially allocated budget will cover the linguistic needs of the religious groups, ie the Maronites, Armenians and Latins.

58. Furthermore, lessons in Armenian are offered and an intensive teacher training courses scheduled.

59. The Ministry also held meetings with stakeholders from the Armenian community on educational issues, taking into account Council of Europe recommendations.

3.7. Social rights

60. The Republic of Cyprus ratified the European Social Charter (revised) in 2000 and has submitted 11 reports since then. During the reporting period (2013-2015), Cyprus submitted two reports, namely on "Health, social security and social protection",[68] and on "Labour rights".[69]

---

63. Namely two teachers and an interpreter for 29 pupils. In addition, for the school year 2014-2015, two part-time teaching assistants were recruited for that school.
64. Third Report on the Application of the Charter in Cyprus, made public by the Committee of Ministers on 14 March 2012.
65. Doc. 13436, Biennial report by the Secretary General of the Council of Europe to the Parliamentary Assembly (March 2014).
66. Maronite and Armenian Apostolic (and other smaller groups) count for 4% of the population, while the Greek Orthodox represent 78% of the entire population, and Muslims 18%. In www.cyprusprofile.com/en/country-information/at-a-glance.
67. Recommendation CM/RecChL(2014)7 of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by Cyprus, adopted by the Committee of Ministers on 24 October 2014 at the 1210th meeting of the Ministers' Deputies.
68. These conclusions relate to the right to safe and healthy working conditions (Article 3), the right to protection of health (Article 11), the right to social security (Article 12), the right to social and medical assistance (Article 13), the right to benefit from social welfare services (Article 14), the right of elderly persons to social protection (Article 23), the right to protection against poverty and social exclusion (Article 30). See Conclusions 2013 (CHYPRE), Articles 3, 11, 12, 13 and 14 of the revised Charter.
69. These relate to the right to just conditions of work (Article 2), the right to a fair remuneration (Article 4), the right to organise (Article 5), the right to bargain collectively (Article 6), the right to information and consultation (Article 21), the right to take part in the determination and improvement of the working conditions and working environment (Article 22), the right to dignity at work (Article 26), the right of workers' representatives to protection in the undertaking and facilities to be accorded to them (Article 28). See Conclusions 2014 (CYPRUS), Articles 2, 4, 5, 6, 22, 28 and 29, of the revised Charter.

61. Concerning the "Health, social security and social protection", the European Committee of Social Rights assessed that the situation of Cyprus was in conformity with eight articles, but not in conformity with Article 12.1 (on the grounds that the minimum level of unemployment benefit is manifestly inadequate; the minimum level of sickness benefit is manifestly inadequate; the minimum level of old age benefit is manifestly inadequate; the minimum level of maternity benefit is manifestly inadequate) and Article 12.4 (on the grounds that equal treatment with regard to access to family allowances is not guaranteed to nationals of all other States Parties; the right to maintenance of accruing rights is not guaranteed to nationals of all other States Parties).

61.1. regarding Article 12.1, the authorities objected to the methodology used. As Cyprus has a relatively low level of deductions (income tax, social Insurance contributions, etc.) from household gross working income, the absolute poverty threshold is a more appropriate threshold than 50% of the Median Equivalised income for monitoring the adequacy of the social insurance benefits;

61.2. concerning the conclusion of non-conformity with Article 12.4, the authorities noted that the child benefit depends both on residence requirements and on income and economic/assets criteria. These conditions apply, regardless of nationality, to Cypriot nationals, EU nationals and third country nationals. For the purposes of Article 12.4, equal treatment with regard to child benefit is therefore guaranteed.[70]

62. Concerning "labour rights", the European Committee of Social Rights concluded that 10 conclusions were in conformity, while the situation in Cyprus was not in conformity with Article 4.5 of the Charter (on the ground that the guarantees in place to prevent workers from waiving their right to limitation of deduction from wages are insufficient) and 6.4 (on the ground that the Trade Union Laws of 1955-1996 require that a decision to call a strike must be endorsed by the executive committee of a trade union).

62.1. as regards the conclusion of non-conformity with Article 4.5, the authorities replied that wage deduction compatibility is determined through agreement between the employer and the workers' representatives. If no workers' representatives exist in the enterprise, then negotiations must take place directly with the employee to determine wage assignment compatibility.[71] For any payment of wages through benefits in kind, the worker´s consent is necessary and usually given in writing since the employer has the burden of proof for the payment of wages.

62.2. as regards the conclusion of non-conformity with Article 6.4, the authorities said that draft legislation is being prepared as financial and working conditions have changed since 2009. A comprehensive review had been submitted to the House of Representatives.

63. The 12th report concerning the accepted provisions relating to Thematic Group "Children, family, migrants"[72] was to be submitted by 31 October 2014.

64. There is no other major specific concern raised by the monitoring mechanisms relating to the protection and promotion of human rights, the rule of law and democracy in Cyprus.

4. Conclusions and recommendations

65. Overall, the functioning of democratic institutions in Cyprus complies with Council of Europe standards. Cyprus can be considered as globally honouring its membership obligations to the Council of Europe. The ratification, on 12 February 2015, of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse as well as the signature of the Convention on Preventing and Combating Violence against Women and Domestic Violence on 16 June 2015, are further steps demonstrating Cyprus' commitment to fighting for women's and children's rights, including in the One in Five Campaign.

---

70. AS/Mon (2015) 25, pp. 15/16.

71. If the consultation described above reaches a deadlock, the dispute has to be referred to the Department of Labour Relations of the Ministry of Labour, Welfare and Social Insurance for mediation. If the dispute, again, fails to be resolved, the case is referred to the Labour Dispute Court for final ruling.

72. This will cover the right of children and young persons to protection (Article 7), the right of employed women to protection of maternity (Article 8), the right of the family to social, legal and economic protection (Article 16), the right of children and young persons to social, legal and economic protection (Article 17), the right of migrant workers and their families to protection and assistance (Article 19), the right of workers with family responsibilities to equal opportunities and equal treatment (Article 27) and the right to housing (Article 31).

66. A special reference should be made to the conditions created recently to conduct peace talks, which are a very positive step toward the settlement of the Cyprus conflict. The authorities of the Republic of Cyprus and the Turkish Cypriot leaders should be both encouraged and supported to continue their efforts to heal the wounds of the past and build a better future.

67. In the light of the findings of the monitoring mechanisms of the main Council of Europe conventions, a certain number of issues raise concern however and should be addressed by the authorities before the next periodic review report. The following recommendations are addressed to the authorities:

– Pursuant to Assembly Resolution 1956 (2013), and welcoming the Joint Statement of 28 May 2015 by President Anastasiades and the Turkish Cypriot leader Akıncı on this issue, continue to support the efforts to solve the problems related to the missing Greek Cypriots and Turkish Cypriots.

– Implement and further enhance the legal framework and administrative practices, particular the proper training of law-enforcement officers, with regard to the situation of foreign nationals, whether regular or irregular; ensure full access to information and services to migrants and asylum seekers and the implementation of an alternative solution to detention of asylum seekers, which should remain a last resort option, in line with human rights standards.

– Further elaborate strategies and concrete measures to deter ill treatment in prisons and police stations.

– In the light of the GRECO recommendations pertaining to the Third Evaluation Round, strengthen the legal framework to combat corruption and increase the transparency of political party funding and amend, as a matter of priority:

  - the 2012 Political Parties Law;
  - the Law amending the Law on the Election of Members of Members of the House of Representatives;
  - the Law on the Election of the President and Vice-President;
  - Article 15 of the Constitution
  - Law 49(I)/2004 on the declaration of assets of the President, the Ministers and the Members of Parliament;
  - Law 50(I)/2004 on the declaration of assets of certain Officials of the Republic.

– Establish an independent commission against corruption, enact whistle-blowing protection legislation and appoint an anti-corruption commissioner to further enhance the legal framework to combat corruption.

– Take an active part in the Parliamentary Assembly platform to combat corruption with a view to sharing experience and drawing inspiration from good practices developed in Council of Europe member States.

– Implement the recommendations of ECRI and further continue efforts to fully implement the right to education by employing Turkish-speaking teachers and/or classroom assistants as well as specialist Greek language teachers.

– Implement the recommendations made by GRETA and the Committee of the Parties to combat trafficking in human beings to ensure better identification and protection of the victims of human trafficking and information of the population at risk of trafficking in human beings, implement efficient preventive and punishment policies and apply a human rights-based approach to action against trafficking on the basis of the Council of Europe Anti-Trafficking Convention and the case law of the European Court of Human Rights; fully implement the judgment *Rantsev v. Cyprus and Russia* as far as individual measures are concerned.

– Further implement the recommendations of the European Committee for Social Rights and ensure conformity with Articles 4.5 and 6.4 pertaining to “Health, social security and social protection”, and Articles 12.1 and 12.4 related to “Labour rights”; provide the European Committee for Social Rights with all the necessary information required as well as its 12th report on “Children, family, migrants”.

– Further to the 2014 recommendation of the Committee of Ministers, whilst welcoming the steps undertaken in 2015 to allocate a special budget for minority languages, encourage further promotion of the Armenian and the Cypriot Maronite Arabic languages and awareness raising about Cyprus’ regional or minority languages as an integral part of the country’s cultural heritage.

– Ratify the Convention on Preventing and Combating Violence against Women and Domestic Violence.

Appendix

Council of Europe conventions signed and/or ratified between 1 October 2013 and 28 July 2015 by Cyprus

CETS No. 092: European Agreement on the Transmission of Applications for Legal Aid

Ratification or accession: 12/2/2014; Entry into force: 13/3/2014

CETS No. 106: European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities

Ratification or accession: 18/12/2013; Entry into force: 19/3/2014

CETS No. 127: Convention on Mutual Administrative Assistance in Tax Matters

Signature: 10/7/2014; Ratification or accession: 19/12/2014; Entry into force: 1/4/2015

CETS No. 159: Additional Protocol to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities

Ratification or accession: 17/4/2014; Entry into force: 18/7/2014

CETS No. 169: Protocol No. 2 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning interterritorial co-operation

Ratification or accession: 17/4/2014; Entry into force: 18/7/2014

CETS No. 178: European Convention on the Legal Protection of Services based on, or consisting of, Conditional Access

Denunciation: 14/4/2014; Effect denunciation: 1/8/2014

CETS No. 179: Additional Protocol to the European Agreement on the Transmission of Applications for Legal Aid

Ratification or accession: 12/2/2014; Entry into force: 1/6/2014

CETS No. 182: Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters

Ratification or accession: 12/2/2015; Entry into force: 1/6/2015

CETS No. 201: Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse

Ratification or accession: 12/2/2015; Entry into force: 1/6/2015

CETS No. 206: Protocol No. 3 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning Euroregional Co-operation Groupings (ECGs)

Ratification or accession: 17/4/2014; Entry into force: 1/8/2014

CETS No. 208: Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters

Signature: 10/7/2014; Ratification or accession: 19/12/2014; Entry into force: 1/4/2015

CETS No. 209: Third Additional Protocol to the European Convention on Extradition

Ratification or accession: 7/2/2014; Entry into force: 1/6/2014

CETS No. 210: Council of Europe Convention on preventing and combating violence against women and domestic violence

Signature: 16/6/2015

CETS No. 213: Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms

Ratification or accession: 16/6/2015

Recent findings of Council of Europe monitoring mechanisms and other bodies as at 28 July 2015

European Court of Human Rights	European Convention on Human Rights (ETS No. 5) ratified in 1962 Protocol No. 1 (ETS No. 009) ratified in 1962 Protocol No. 2 (ETS No. 044) ratified in 1969 Protocol No. 6 (ETS No. 114) ratified in 2000 Protocol No. 12 (ETS No. 177) ratified in 2002 Protocol No. 13 (ETS No. 187) ratified in 2003 Protocol No. 14 (CETS No. 194) ratified in 2005 Out of a total of 69 900 applications pending before a judicial formation on 31 December 2014, 69 concerned Cyprus. Resolutions adopted by the Committee of Ministers: 3 in 2013, 1 in 2014 and 1 in 2015. See Press country profile Cyprus
Congress of Local and Regional Authorities	European Charter on Local Self-Government (ETS No. 122) ratified in 1988 Last report and Recommendation on local democracy in Cyprus adopted in November 2005: CPL(12)8PartII and Recommendation 178 (2005)
Group of States against Corruption (GRECO)	Civil Law Convention on Corruption (ETS No. 174) ratified in 2005 Criminal Law Convention on Corruption (ETS No. 173) ratified in 2001, Additional Protocol (ETS No. 191) ratified in 2006 *Third evaluation round: compliance report on Cyprus: "Incriminations (ETS 173 and 191, GPC 2)", "Transparency of party funding"*, adopted by GRECO at its 59th plenary meeting, Strasbourg, 18-22 March 2013, Greco RC-III(2012)24E *Third evaluation round: second compliance report on Cyprus: "Incriminations (ETS 173 and 191, GPC 2)", "Transparency of party funding"* adopted by GRECO at its 67th plenary meeting, Strasbourg, 23-27 March 2015, published on 29 April 2015, Greco RC-III(2015)1E second compliance report
Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL)	Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime of 1990 (ETS No. 141) ratified in 1996 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (revised) (CETS No. 198) ratified in 2009 In 2013 and 2014, MONEYVAL adopted and published reports on the *Special Assessment of the Effectiveness of the Customer Due Diligence Measures in the Banking Sector in Cyprus.*
Commissioner for Human Rights	*Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to the Republic of Cyprus (7-10 July 2008)*, CommDH(2008)36 *Letter from the Council of Europe Commissioner for Human Rights to Mr Neoklis Sylikiotis, Minister of Interior of the Republic of Cyprus*, CommDH(2010)32 / 26 July 2010 *Reply by Mr Neoklis Sylikiofis, Minister of Interior of the Republic of Cyprus, to the letter from the Council of Europe Commissioner for Human Rights*, CommDH(2010)33 / 26 July 2010

European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)	Convention (ETS No. 126) ratified in 1989, Protocols No. 1 (ETS No. 151) and No. 2 (ETS No. 152) ratified in 1997 Last country visit: September – October 2013 Publication of the last report: December 2014, CPT/Inf (2014)31
Group of Experts on Action against Trafficking in Human Beings (GRETA) and Committee of the Parties	Convention (CETS No. 197) ratified in 2007 1st Evaluation Round: - Evaluation visit in October 2010 - GRETA's Evaluation Report and Government's Comments published in September 2011, GRETA(2011)8 - Recommendation CP(2011)2 of the Committee of the Parties adopted in September 2011 - Government Reply to Recommendation received in September 2013, CP(2013)12 2nd Evaluation Round: - Evaluation visit in December 2014 - Reply to Questionnaire published in February 2015, GRETA(2015)6
Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO)andCommittee of the Parties	Convention on preventing and combating violence against women and domestic violence (CETS No. 210) signed in 2015 but not ratified
European Commission against Racism and Intolerance (ECRI)	The 4th report on Cyprus was adopted in March 2011 and made public in May 2011, CRI(2011)20 Conclusions adopted in March 2014 and published in June 2014, CRI(2014)21
Venice Commission	No opinion concerning Cyprus

Other Treaties:

Framework Convention for the Protection of National Minorities	Convention (ETS No. 157) ratified in 1996 - Last Advisory Committee Opinion (3rd cycle) adopted in March 2010, ACFC/OP/III(2010)002 - Last CM Resolution (3rd cycle) on the implementation of the Framework Convention adopted in September 2011, CM/ResCMN(2011)16 - Last State Report (4th cycle) received in April 2014, ACFC/SR/IV(2014)007 - Visit of the Advisory Committee in Cyprus in December 2014
European Charter for Regional or Minority Languages	Convention (ETS No. 148) ratified in 2002 - Last State Periodical Report (4th cycle) submitted in January 2014, MIN-LANG(2014)PR1 - Last Committee of Experts' evaluation report (4th cycle) adopted in May 2014, ECRML(2014)8 - Last Committee of Ministers' Recommendation (4th cycle) adopted in October 2014, CM/RecChL(2014)7 - Next State Periodical Report (5th cycle) due in December 2015
European Social Charter	European Social Charter of 1961 (ETS No. 35) ratified in 1968 European Social Charter (revised) (ETS No. 163) ratified in 2000 Additional Protocol to the European Social Charter Providing for a System of Collective Complaints (ETS No. 158) ratified in 1996 See Country factsheet Cyprus