

2023 Rule of Law Report - targeted stakeholder consultation

Fields marked with * are mandatory.

Introduction

The annual Rule of Law Report lies at the centre of the European rule of law mechanism, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, three editions of the Rule of Law Report have been published in 2020, 2021 and 2022.

In the preparation of the first three editions of the Rule of Law Report, the Commission has relied on a diversity of relevant sources, including from Member States, country visits, and stakeholders' contributions collected through the targeted stakeholder consultation [1]. The information provided has informed the Commission's country-specific assessments in preparing the Report. Building on the positive experience from the first three editions of the Rule of Law Report, the Commission is now inviting stakeholders to provide written contributions for the preparation of the 2023 Rule of Law Report through this targeted consultation.

The contribution to be provided should include (1) information on measures taken to implement the recommendations addressed to the Member State in the 2022 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and (2) any other significant developments since January 2022 [2] falling under the 'type of information' outlined in the next section.

The input should be short and concise and summarise information related to one or more of the areas referred to in the template. You are invited to focus on the areas that relate to the scope of work and expertise of your organisation. Existing reports, statements, legislation or other documents may be referenced with a link (no need to provide the full text). Stakeholders are encouraged to make references to any contributions already provided in a different context or to Reports and documents already published. Contributions should focus on significant developments both as regards the legal framework and its implementation in practice.

If you wish to submit information concerning several Member States, you will have to fill-in the questionnaire separately for each Member States (due to the size of the questionnaire). There is no limit to the number of contributions submitted by a single participant. In such cases, you are not required to repeat the information in the section "about you" that is non-mandatory nor the information on horizontal developments.

Please provide your contribution by **20 January 2023**. Should you have any requests for clarifications or encounter difficulties in filling in the questionnaire, you can contact the Commission at the following email

address: rule-of-law-network@ec.europa.eu.

[1] For the consultation for the 2022 Report, see https://ec.europa.eu/info/publications/2022-rule-law-report-targeted-stakeholder-consultation_en

[2] Unless the information was already submitted in the consultation for the previous Rule of Law Reports.

Type of information

The topics are structured according to four pillars: I. Justice system; II. Anti-corruption framework; III. Media pluralism; and IV. Other institutional issues related to checks and balances. The replies could include aspects set out below under each pillar. This can include challenges, current work streams, positive developments and best practices:

Legislative developments

- Newly adopted legislation
- Legislative drafts currently discussed in Parliament
- Legislative plans envisaged by the Government

Policy developments

- Implementation of legislation
- Evaluations, impact assessment, surveys
- White papers/strategies/actions plans/consultation processes
- Follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- Important administrative measures
- Generalised practices

Developments related to the judiciary / independent authorities

- Important case law by national courts
- Important decision/opinions from independent bodies/authorities
- State of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, heads of independent authorities included in the scope of the questionnaire[1])

Any other relevant developments

- Respondents are free to add any further information, which they deem relevant; however, this should be short and to the point.

If there are no changes, it is sufficient to indicate this and the information covered in the contributions for the previous Rule of Law Reports should not be repeated.

[1] Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions, supreme audit institutions and, where they exist, transparency authorities.

About you

* I am giving my contribution as

- ☒ Academic/research institution
- ☐ Business association
- ☐ Civil society organisation/NGO
- ☐ International organisation
- ☐ Judicial association or network
- ☐ Media organisation or association
- ☐ Public authority or network of public authorities
- ☐ Other

* Organisation name

250 character(s) maximum

Main Areas of Work

- ☐ Justice System
- ☐ Anti-corruption
- ☐ Media Pluralism
- ☒ Other

If "Other", please specify

Please insert an URL towards your organisation's main online presence or describe your organisation briefly:

500 character(s) maximum

Transparency register number

Check if your organisation is in the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making

* Country of origin

Please add the country of origin of your organisation

- ☐ Afghanistan

- ☐ Albania
- ☐ Algeria
- ☐ Andorra
- ☐ Angola
- ☐ Antigua and Barbuda
- ☐ Argentina
- ☐ Armenia
- ☐ Australia
- ☐ Austria
- ☐ Azerbaijan
- ☐ Bahamas
- ☐ Bahrain
- ☐ Bangladesh
- ☐ Barbados
- ☐ Belarus
- ☐ Belgium
- ☐ Belize
- ☐ Benin
- ☐ Bhutan
- ☐ Bolivia
- ☐ Bosnia and Herzegovina
- ☐ Botswana
- ☐ Brazil
- ☐ Brunei Darussalam
- ☐ Bulgaria
- ☐ Burkina Faso
- ☐ Burundi
- ☐ Cabo Verde
- ☐ Cambodia
- ☐ Cameroon
- ☐ Canada
- ☐ Central African Republic
- ☐ Chad
- ☐ Chile
- ☐ China
- ☐ Colombia
- ☐ Comoros
- ☐ Congo
- ☐ Costa Rica
- ☐ Côte D'Ivoire
- ☐ Croatia
- ☐ Cuba
- ☒ Cyprus
- ☐ Czechia
- ☐ Democratic Republic of the Congo
- ☐ Denmark
- ☐ Djibouti

- ☐ Dominica
- ☐ Dominican Republic
- ☐ Ecuador
- ☐ Egypt
- ☐ El Salvador
- ☐ Equatorial Guinea
- ☐ Eritrea
- ☐ Estonia
- ☐ Eswatini
- ☐ Ethiopia
- ☐ Fiji
- ☐ Finland
- ☐ France
- ☐ Gabon
- ☐ Gambia
- ☐ Georgia
- ☐ Germany
- ☐ Ghana
- ☐ Greece
- ☐ Grenada
- ☐ Guatemala
- ☐ Guinea
- ☐ Guinea Bissau
- ☐ Guyana
- ☐ Haiti
- ☐ Honduras
- ☐ Hungary
- ☐ Iceland
- ☐ India
- ☐ Indonesia
- ☐ Iran
- ☐ Iraq
- ☐ Ireland
- ☐ Israel
- ☐ Italy
- ☐ Jamaica
- ☐ Japan
- ☐ Jordan
- ☐ Kazakhstan
- ☐ Kenya
- ☐ Kiribati
- ☐ Kuwait
- ☐ Kyrgyzstan
- ☐ Laos
- ☐ Latvia
- ☐ Lebanon
- ☐ Lesotho

- ☐ Liberia
- ☐ Libya
- ☐ Liechtenstein
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Madagascar
- ☐ Malawi
- ☐ Malaysia
- ☐ Maldives
- ☐ Mali
- ☐ Malta
- ☐ Marshall Islands
- ☐ Mauritania
- ☐ Mauritius
- ☐ Mexico
- ☐ Micronesia
- ☐ Monaco
- ☐ Mongolia
- ☐ Montenegro
- ☐ Morocco
- ☐ Mozambique
- ☐ Myanmar
- ☐ Namibia
- ☐ Nauru
- ☐ Nepal
- ☐ Netherlands
- ☐ New Zealand
- ☐ Nicaragua
- ☐ Niger
- ☐ Nigeria
- ☐ North Korea
- ☐ North Macedonia
- ☐ Norway
- ☐ Oman
- ☐ Pakistan
- ☐ Palau
- ☐ Panama
- ☐ Papua New Guinea
- ☐ Paraguay
- ☐ Peru
- ☐ Philippines
- ☐ Poland
- ☐ Portugal
- ☐ Qatar
- ☐ Republic of Moldova
- ☐ Romania
- ☐ Russian Federation

- ☐ Rwanda
- ☐ Saint Kitts and Nevis
- ☐ Saint Lucia
- ☐ Saint Vincent and the Grenadines
- ☐ Samoa
- ☐ San Marino
- ☐ Sao Tome and Principe
- ☐ Saudi Arabia
- ☐ Senegal
- ☐ Serbia
- ☐ Seychelles
- ☐ Sierra Leone
- ☐ Singapore
- ☐ Slovakia
- ☐ Slovenia
- ☐ Solomon Islands
- ☐ Somalia
- ☐ South Africa
- ☐ South Korea
- ☐ South Sudan
- ☐ Spain
- ☐ Sri Lanka
- ☐ Sudan
- ☐ Suriname
- ☐ Sweden
- ☐ Switzerland
- ☐ Syrian Arab Republic
- ☐ Tajikistan
- ☐ Tanzania
- ☐ Thailand
- ☐ Timor-Leste
- ☐ Togo
- ☐ Tonga
- ☐ Trinidad and Tobago
- ☐ Tunisia
- ☐ Turkey
- ☐ Turkmenistan
- ☐ Tuvalu
- ☐ Uganda
- ☐ Ukraine
- ☐ United Arab Emirates
- ☐ United Kingdom
- ☐ United States of America
- ☐ Uruguay
- ☐ Uzbekistan
- ☐ Vanuatu
- ☐ Venezuela

- ☐ Viet Nam
- ☐ Yemen
- ☐ Zambia
- ☐ Zimbabwe

First name

Surname

Email Address of the organisation (this information will not be published)

* Publication of your contribution and privacy settings

You can choose whether you wish for your contribution to be published and whether you wish your details to be made public or to remain anonymous.

- ☒ Anonymous - Only your type of respondent, country of origin and contribution will be published. Organisation name, URL, transparency register number, first name and surname given above will not be published. **To maintain anonymity, please refrain from mentioning the name of your organisation and any details from which your organisation can be identified in the rest of your contribution.**
- ☐ Public - Your personal details (name, organisation name, transparency register number, country of origin will be published with your contribution).
- ☐ No publication - Your contribution will not be published. Elements of your contribution may be referred to anonymously in documents produced by the Commission based on this consultation.

☒ I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2023 rule of law report.pdf](#)

Questions on horizontal developments

In this section, you are invited to provide information on general horizontal developments or trends, both positive and negative, covering all or several Member States. In particular, you could mention issues that are common to several Member States, as well as best practices identified in one Member State that could be replicated. Moreover, you could refer to your activities in the area of the four pillars and sub-topics (an overview of all sub-topics can be found below), and, if you represent a Network of national organisations, to the support you might have provided to one of your national members.

Overview topics for contribution

[list of topics 2023 Report.pdf](#)

Please provide any relevant information on horizontal developments here

Extracted from J Veraldi and S Lahlé Shaelou, 'The Substantive Requirements of Judicial Independence in the EU: Lessons from Times of Crisis' (EU-POP JMMWP 1/2021) <https://eupopulism.eu/working-paper-series-1/>

With respect to the Substantive Requirements of Judicial Independence in the EU and Lessons to be drawn from Times of Crisis for the EU and its members states, when the case concerns the introduction or application of a measure affecting the judiciary, under Article 19 TEU, the question should be whether the given measure fails to provide the “essential guarantees” of judicial independence required in that context. Where the case concerns a breach of a rule related to the judiciary (and this rule does not in itself fail to provide an essential guarantee of judicial independence), it can be asked whether that breach concerned a “fundamental rule” integral to the judiciary’s establishment or functioning. If the answer is “yes” to either question, the independence of the relevant judge or court required by Article 19 TEU has been infringed, and vice versa.

Authorities may introduce or apply measures that do not comply with EU judicial independence rules. Based on an analysis of the Court’s case law, the Court’s concept of “essential guarantees” of judicial independence appears able to substantively determine whether a given measure affecting the judiciary infringes Article 19 TEU. To substantiate this argument, several “essential guarantees” of judicial independence articulated by the Court are identified, including those related to disciplinary regimes, remuneration, and external intervention or pressure. Moreover, it is seen that the substance of the “essential guarantees” of judicial independence has been further fleshed out by the Court when faced with different types of contemporary crises that have arisen in the EU. Hence crises may assist in identifying the substance of judicial independence in the EU and can ultimately inform the overall strengthening of the independence of the EU judiciary.

In addition to essential guarantees, judicial independence as enshrined in inter alia Article 19 TEU also substantively requires compliance with certain existing rules considered “fundamental” to the EU judiciary. In that respect, to identify the types of rules related to the judiciary which, if breached, necessarily also entail infringements of judicial independence, the Court clarified the existence of certain “fundamental rules forming an integral part of the establishment and functioning of that judicial system.” While the latter formula was only first introduced in Simpson and HG (2020) to discuss measures related to appointments and term duration of judges at the supranational level, the fundamental and non-fundamental rule dichotomy can serve as a useful tool to determine when a breach of an existing rule related to the judiciary (otherwise compliant with the essential guarantees discussed above) also entails a breach of the EU judicial independence requirement contained in e.g. Article 19 TEU. Thus, after first asking whether a public authority has failed to uphold an “essential guarantee” of judicial independence, if this is answered in the negative, it can then be asked whether the relevant action under scrutiny nevertheless led to the breach of an existing “fundamental rule” integral to the establishment and/or functioning of the judiciary.

Elaborating on this “fundamental rules” doctrine, there are substantive rules relating to the judiciary that may be “fundamental” in nature, starting by elaborating upon rules identified as fundamental by the ECJ in Simpson and HG, related in particular to judicial appointments and term durations. There may also be fundamental rules governing the remuneration of judges and their disciplinary regimes (in particular removal), as well as on the legality of Advocate General Sharpston’s replacement in the wake of the Brexit crisis, again demonstrating that useful insight as regards the substance of judicial independence may be gained through analyses of the difficult questions that may arise in times of crisis. This insight may be leveraged to strengthen the independence of the EU judiciary.

Questions for contribution

The following four pillars (I.-IV.) are sub-divided into topics (A., B., etc.) and sub-topics (1., 2., 3., etc.). For each of the topics and sub-topics, you are invited to provide (1) information on measures taken to implement the recommendations addressed to the Member States in the 2022 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2022 Rule of Law Report and (2) any other significant developments since January 2022[1]. Please include a link to and reference relevant legislation/documents (in the national language and/or where available, in English) if relevant. Significant developments can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

If there are developments you consider relevant under each of the four pillars that are not mentioned in the sub-topics, please add them under the section "other - please specify". Only significant developments should be covered.

Information provided in reply to the first question under each pillar, related to the follow-up to the recommendations, does not need to be repeated in subsequent parts of the questionnaire, but can be cross-referenced in the subsequent questions, where relevant. All other questions are not limited to the recommendations, but as in previous years, cover the entire scope of the Report.

[1] Unless already covered in the input for the previous Rule of Law Reports.

Member State covered in contribution [only one choice possible]

If you wish to submit information concerning several Member States, please fill in the questionnaire separately for each Member State. There is no limit to the number of contributions submitted by a single participant.

- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☒ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta

- ☐ Netherlands
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Slovak Republic
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the justice system (if applicable)

3000 character(s) maximum

Extracted from S. Laulhé Shaelou and K. Kalaitzaki, The use of EU Regulations in Cyprus: Still in period of adjustment or fully applicable and effective? in EU Regulations in Practice: Legislative and Judicial Approaches, Adam Łazowski & Alicja Sikora (editors) (forthcoming).

On 7 July 2022, after much delay and public debates, the House of Representatives voted in favour of amending the Constitution (Seventeenth Amendment to the Constitution Act of 2022), to enable the reform and modernisation of the structure and operation of the courts by re-opening the two supreme courts provided for in the Constitution, namely the Supreme Constitutional Court and the Supreme Court. These courts will be granted additional jurisdiction of the third degree, while a Court of Appeal will be established for the adjudication of appeals. According to the Bill on The Administration of Justice (Miscellaneous Provisions) (Amendment) Law 2019, the Supreme Constitutional Court will be composed of 9 judges and will exercise its jurisdiction in accordance with the Constitution including the review of the constitutionality of laws referred by the President and the elections petitions. Moreover, it will adjudicate appeals referred to by the Court of Appeal, against decisions of the Administrative Court in matters of public law of major public interest or general public importance. The Supreme Constitutional Court will decide on the request of the Attorney General or any of the parties, after an appeal procedure, on legal issues arising from the decision and related either to a change in established jurisprudence or to the need for the correct application or interpretation of an essential provision of law or to major matter of public interest or general public importance. Lastly, it will decide on referrals sent by lower Courts or the Supreme Court on questions of constitutionality essential to the resolution of the case before them and will act as a court of annulment against the decisions of the Supreme Judicial Council.

Despite the urgency of the reform and high expectations from all parts, the Supreme Court has announced in December 2023 that the implementation of the legal reform has been postponed to 1st July 2023.

A. Independence

Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

(The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts)

3000 character(s) maximum

The amendment voted on the 7th of July 2022, also establishes a separate Court of Appeal composed of 16 judges. The Court of Appeal will have the jurisdiction to adjudicate all appeals against decisions of any court of first instance and acquired the power to issue writs of privilege, a power previously held by the Supreme Court as currently structured. The Court of Appeal may operate in civil cases, criminal cases and review cases, as determined in procedural rules. Lawyers can also be appointed as a Judge of the Court of Appeal if they have practised the legal profession for at least twelve years and if they are a person of high moral standing.

The Supreme Judicial Council was also established, which is responsible for the appointment, promotion, transfer, termination and dismissal of judges of the Court of Appeal, district judges and judges of special jurisdiction, and exercising disciplinary authority over them. The composition of the Supreme Judicial Council is expanded so that, in addition to the members of the Supreme Court who currently make up the Council, the Attorney General and the President of the Cyprus Bar Association will also participate without the right to vote. The voting for the amendment of the Constitution was positively commented by the branches of the government, including the Attorney General, as a historic voting that makes it possible to modernise the structure and operation of the Courts. This amendment should arguably deal with delays in the administration of justice more effectively, with a new, fast and efficient judicial structure, for the citizens and the country.

On 22 December 2022, new judges were appointed/transferred to the new Court by the President of the Republic of Cyprus, including following the advice of the Transitional Advisory Council for new appointments.
https://dikaiosyni.com/enimerwsi/anakoinwsi-tis-proedrias-tis-dimokratias/?utm_source=rss&utm_medium=rss&utm_campaign=anakoinwsi-tis-proedrias-tis-dimokratias&utm_source=rss&utm_medium=rss&utm_campaign=anakoinwsi-tis-proedrias-tis-dimokratias

Irremovability of judges, including transfers, (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

3000 character(s) maximum

Promotion of judges and prosecutors (incl. judicial review)

3000 character(s) maximum

Allocation of cases in courts

3000 character(s) maximum

Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

3000 character(s) maximum

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

3000 character(s) maximum

Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information

3000 character(s) maximum

Independence/autonomy of the prosecution service

3000 character(s) maximum

Independence of the Bar (chamber/association of lawyers) and of lawyers

3000 character(s) maximum

Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

3000 character(s) maximum

Presidential elections are forthcoming in February 2023. Archbishop elections were also held in December 2022. On these occasions, the Supreme Court deemed necessary to issue a circular towards the Presidents of district courts, Assize Courts and special jurisdiction courts, reminding all judges of the relevant provisions of the Code of Conduct of judges in terms of perceived impartiality in the eyes of the public.
<https://dikaioyni.com/wp-content/uploads/2022/12/E%CE%B3%CE%BA%CF%8D%CE%BA%CE%BB%CE%B9%CE%BF%CF%82-%CE%91%CE%A1.-145.pdf>

B. Quality of justice

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section

2)

Accessibility of courts (e.g. court/legal fees, legal aid, language)

3000 character(s) maximum

Resources of the judiciary (human/financial/material)

(Material resources refer e.g. to court buildings and other facilities)

3000 character(s) maximum

Training of justice professionals (including judges, prosecutors, lawyers, court staff)

3000 character(s) maximum

In 2022, EU-POP and CROLEV provided the legal profession, judges, prosecutors and others with multiple opportunities for awareness raising activities and training on the Rule of Law, Democracy and European Values in Cyprus and Europe. Many webinars and courses are freely available to date. For more information, see <https://eupopulism.eu/summer-school/year-2022/> ; <https://eupopulism.eu/media/eu-pop-conference/> ; <https://crolev.eu/news-and-activities/> and <https://crolev.eu/didactic-material/>

CROLEV also provided together with the CSO ICLAIM a training and focus group on social mediation upholding the Rule of Law in Cyprus, where during 2 days, participants including lawyers and law enforcement agents discussed citizen empowerment whereby soft democratic methods such as social mediation must complement law-making tools strengthening institutions and upholding the rule of law in a divided society such as Cyprus. The group came up with recommendations on capacity building and how to support institutions via democratic innovation in times of elections.

Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, including resilience of justice systems in COVID-19 pandemic)

3000 character(s) maximum

Use of assessment tools and standards (e.g. ICT systems for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

3000 character(s) maximum

Geographical distribution and number of courts/jurisdictions ("judicial map") and their specialization, in particular specific courts or chambers within courts to deal with fraud and corruption cases

3000 character(s) maximum

C. Efficiency of the justice system

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section 2)

Length of proceedings

3000 character(s) maximum

Other - please specify

3000 character(s) maximum

II. Anti-Corruption Framework

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission's attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the anti-corruption framework (if applicable)

3000 character(s) maximum

In 2021 and 2022, bills of essence to the Rule of Law were still pending before the House of Representatives, even if progress was made on the independent anti-corruption authority (now available in English since December 2022), reporting acts of corruption with provisions on whistle blowers, on the transparency in public decision procedures and related issues including provisions on lobbying, as well as a package of legal measures on the reform of justice. Since the publishing of the EC's 2020, 2021 and 2022 reports, some progress has been made but remains timid taking into account the scale of corruption scandals publicly exposed on the island in the past years.

At the European level, the Council of Europe's Group of States against Corruption (GRECO), in its 4th evaluation round, 2nd compliance report on Cyprus published on 17/11/20, reported on corruption prevention with respect to MPs by assessing a series of 8 recommendations, none of which were found to have been implemented satisfactorily by the time of the review. These recommendations touch upon the transparency and monitoring of MPs remuneration and benefits, a code of ethics for MPs and staff, enhanced preventive measures against conflicts of interest with strong disclosure requirements, consistent rules on acceptance of gifts, hospitality and other benefits with valuation and reporting procedure, detailed assessment on third party impact with rules on interaction with third parties, strengthened regime of asset declarations, independent and effective mechanism to monitor declaration of assets, integrity policy with handbook and training for MPs.

To these recommendations should be added the visceral need for democratic oversight in any modern State exercised by parliaments.

In today's context of the run up to presidential elections in the Republic of Cyprus, in times of post-pandemic, transparency and accountability to the wider society are more fundamental than ever as they entail prevention and protection. Specific measures to facilitate electronic voting from within or outside of the Republic of Cyprus, as well as general voting guidelines (all in the Greek language) remain insufficient. Special circumstances to exercise our basic democratic right of vote in times of pandemic with all it entails appear to be missing.

A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

List any changes as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption and the resources allocated to each of these

authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic authorities. Indicate any relevant measure taken to effectively and timely cooperate with OLAF and EPPO (where applicable)

3000 character(s) maximum

Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption

3000 character(s) maximum

Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators

3000 character(s) maximum

B. Prevention

Measures to enhance integrity in the public sector and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training). Please provide figures on their application

3000 character(s) maximum

General transparency of public decision-making, including rules on lobbying and their enforcement, asset disclosure rules and enforcement, gifts policy, transparency of political party financing

3000 character(s) maximum

Rules and measures to prevent conflict of interests in the public sector. Please specify the scope of their application (e.g. categories of officials concerned)

3000 character(s) maximum

Measures in place to ensure whistleblower protection and encourage reporting of corruption.

3000 character(s) maximum

List the sectors with high-risks of corruption in your Member State and list the relevant measures taken /envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. public

procurement, healthcare, citizen investor schemes, risk or cases of corruption linked to the disbursement of EU funds, other), and, where applicable, list measures to prevent and address corruption committed by organised crime groups (e.g. to infiltrate the public sector)

3000 character(s) maximum

Any other relevant measures to prevent corruption in public and private sector

3000 character(s) maximum

C. Repressive measures

Criminalisation, including the level of sanctions available by law, of corruption and related offences, including foreign bribery

3000 character(s) maximum

Data on investigation and application of sanctions for corruption offences, including for legal persons and high level and complex corruption cases and their transparency, including as regards to the implementation of EU funds

(Please include, if available the number of (data since 2019): indictments; first instance convictions; first instance acquittals; final convictions; final acquittals; other outcomes (final) (i.e. excluding convictions and acquittals); cases adjudicated (final); imprisonment / custodial sentences through final convictions; suspended custodial sentences through final convictions; pending cases at the end of the reference year)

3000 character(s) maximum

Potential obstacles to investigation and prosecution as well as to the effectiveness of criminal sanctions of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

3000 character(s) maximum

Information on effectiveness of non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders

3000 character(s) maximum

Other - please specify

3000 character(s) maximum

III. Media Freedom and Pluralism

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding media freedom and pluralism (if applicable)

3000 character(s) maximum

A. Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

3000 character(s) maximum

Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

3000 character(s) maximum

Existence and functions of media councils or other self-regulatory bodies

3000 character(s) maximum

B. Safeguards against government or political interference and transparency and concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

3000 character(s) maximum

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions

- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance

3000 character(s) maximum

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners, as well as any rules regulating the matter

C. Framework for journalists' protection, transparency and access to documents

Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications

3000 character(s) maximum

Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

3000 character(s) maximum

Access to information and public documents (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

3000 character(s) maximum

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

3000 character(s) maximum

Other - please specify

3000 character(s) maximum

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the system of checks and balances (if applicable)

3000 character(s) maximum

Extracted from Prof. Stéphanie Laulhé Shaelou and Dr. Kostas A. Rokas, Cyprus report on the Rule of Law for the International Federation of European Law (FIDE) 2023 (forthcoming)

The protection of the Rule of Law is considered to be a 'cardinal principle' of the Constitution. The concept of the Rule of Law has also been pivotal to the introduction of the doctrine of necessity in the Ibrahim judgment of the Supreme court of Cyprus. The withdrawal of Turkish-cypriot judges and the resignation of foreign judges compromised seriously the possibility of citizens enjoying access to courts, paralysed any effective judicial protection and compromised the protection of fundamental rights which are inherent to the concept of the Rule of Law. The doctrine of necessity, which is a cornerstone of the Cypriot legal system, allows to depart from provisions of the Constitution under special circumstances when it is impossible to comply with them because of the withdrawal of the Turkish-cypriot community.

The principles of the Rule of Law are manifested as well in different provisions of the Constitution such as Articles 24 (3) and 12 (1) which prohibit retroactivity in relation to tax law and criminal law respectively or Articles 3 and 104 which render the publication of all laws a requirement for their validity. Furthermore, a number of principles of administrative law are con-substantial to the Rule of Law. In that sense, one should refer to the principle of legality, which governs the relation between the legislative power and the public administration. According to it, acts of public administration are always dependent on the law and must be respectful of the law. And any interference of public administration with fundamental rights or liberties is possible only if a law provides such possibility. Public administration and the State are under the control of the judiciary and the principles which govern the action of public administration constitute a manifestation of constitutional principles fundamental for the Rule of Law.

The concept of the Rule of Law in Cyprus is linked to effective checks and balances and independent institutions. And one of the basic means to safe-guard the efficiency of the checks and balances is the institutional separation of powers. Although the separation of powers is not explicitly declared in the Constitution of the Republic of Cyprus, it results from the assignment of different functions to the three different powers. The principle is however an effective tool to safeguard against abuse of power. Thus, the Supreme Court has considered laws as being unconstitutional for being in violation of the principle of separation of powers. The problem is that the reasoning adopted by the Supreme Court is not always convincing and occasionally the interpretation of the principle 'could be considered as impeding the exercise of control of the action of the executive by the legislative' (Emilianides, 2019).

A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'[1] /public consultations (particularly consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process

[1] This includes also the consultation of social partners

3000 character(s) maximum

Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

3000 character(s) maximum

Regime for constitutional review of laws

3000 character(s) maximum

The concept of the Rule of Law in the Union legal order and the requirements flowing from that overlap to a great extent in the Cypriot legal order. Sources of friction between the same concept at the national level and with it at the EU level are not frequent. Nonetheless, the level of protection afforded to fundamental rights at the EU level can differ from the protection of fundamental rights at national level. Thus, conflicts on punctual issues can arise especially when the protection of fundamental rights at the national level is greater than the one recognised under the Charter of Fundamental Rights of the EU. Up to now however, subsequently to the introduction into the Constitution of Article 1A, there has been no conflict that could undermine the function or the place of the Republic of Cyprus in the European Union. This is partly due to the fact that, on occasions and on legal issues of fundamental importance, the Supreme Court avoids the constitutional debate and /does not always give its full place to EU constitutional law. In that sense, the regime for constitutional review of laws is currently weakened by judicial and other practices. It is to be hoped that the creation of two supreme courts in 2022 will allow for the development of a stronger judicial practice in the field of constitutional review of laws, in line with EU requirements and practices.

COVID-19: provide update on significant developments with regard to emergency regimes/measures in the context of the COVID-19 pandemic

- judicial review (including constitutional review) of emergency regimes and measures in the context of COVID-19 pandemic
- oversight (incl. ex-post reporting/investigation) by Parliament of emergency regimes and measures in the context of COVID-19 pandemic
- processes related to lessons learned/crisis preparedness in terms of the functioning of checks and balances

3000 character(s) maximum

See Prof. S. Lulhe Shaelou and A. Manoli, THE ISLANDS OF CYPRUS AND GREAT BRITAIN IN TIMES OF COVID-19 PANDEMIC: VARIATIONS ON THE RULE OF LAW 'IN AND OUT' OF THE EU (BLOG)
<https://ruleoflawmonitoringmechanism.eu/posts/the-islands-of-cyprus-and-great-britain-in-times-of-covid-19-pandemic-variations>

B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

(Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>)

3000 character(s) maximum

Statistics/reports concerning the follow-up of recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years

3000 character(s) maximum

C. Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

3000 character(s) maximum

Judicial review of administrative decisions:

- short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review)

3000 character(s) maximum

Follow-up by the public administration and State institutions to final (national/supranational) court decisions, as well as available remedies in case of non-implementation

3000 character(s) maximum

D. The enabling framework for civil society

Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration and dissolution rules)

3000 character(s) maximum

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures for protection from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services.

3000 character(s) maximum

Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

3000 character(s) maximum

Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)

3000 character(s) maximum

E. Initiatives to foster a rule of law culture

Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society etc.)

3000 character(s) maximum

On 2 and 3 December 2022 CRoLEV joined the Interdisciplinary Centre for Law, Alternative and Innovative Methods (ICLAIM) in the delivery of a new Social Mediation upholding the Rule of Law Training and Focus Group targeting CSOs in Cyprus and beyond. The Social Mediation project was initiated in the Spring of 2018 by UCLan Cyprus and ICLAIM, and this latest workshop training constitutes a part of a three-year-long workshop series under CRoLEV. Using previous ICLAIM experience and CRoLEV research, the workshop brought together practising lawyers, civil society professionals, and members of the public to discuss how Social Mediation can be used as a citizen empowerment tool in defending the Rule of Law in the European Union and beyond. As part of CRoLEV citizen-centred events planned in 2023 and 2024, the remaining two workshops trainings and focus groups are scheduled for December 2023 and 2024 respectively. Each workshop training and focus group will be enriched with research findings from the previous year and feedback received from participants, building further on the enrichment of the activities of our the Social Mediators' Network supported by ICLAIM. For more information, visit <https://www.icclaimcentre.org/projects/social-mediation>

Other - please specify

3000 character(s) maximum

Contact

rule-of-law-network@ec.europa.eu

