

Annual Rule of Law
Report - Council of
Europe input

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

2021

Directorate General Human Rights and Rule of Law (DG I)

Cyprus

I Justice System

A. Independence

CEPEJ

CEPEJ – Country profile Cyprus - Scoreboard (2019 data) (*content of the link will be available after acceptance of the CEPEJ Study for the Scoreboard by DG-Just*)

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CEPEJ European Judicial Systems Evaluation Report – Evaluation cycle 2018-2020 (2018 data) – Part 2 Country profile Cyprus

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European Judicial Systems CEPEJ Evaluation Report – Evaluation cycle 2018-2020 (2018 data) – Part 1 Tables, graphs and analysis

[CEPEJ Evaluation Report 2020 Part 1](#)

CEPEJ Dynamic database of European judicial systems

[CEPEJ-STAT](#)

1. Appointment and selection of judges and prosecutors

GRECO

<https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/1680a06389>

4th round: Second Compliance report corruption prevention in respect of MPs, judges and prosecutors

GRECO

<https://www.coe.int/en/web/greco/evaluations/cyprus>

4th round: corruption prevention in respect of MPs, judges and prosecutors

3rd round: incrimination and transparency of Party Funding

2. Irremovability of judges, including transfers of judges and dismissal

Department for the Execution of Judgments of the European Court of Human Rights

Kamenos v Cyprus (147/07) (STAND): This case concerns the proceedings before the Supreme Council of Judicature (the “SCJ”) leading to the applicant’s dismissal in 2006 from his position as a judge and president at the Industrial Disputes Court. The Court found that although the SCJ did its best to avoid a prosecutory procedure, the fact remained that the same individuals framed the charges and conducted the disciplinary proceedings against the applicant, resulting in objectively justified fears as to the SCJ’s impartiality (violation of Article 6 § 1). No recent submissions in 2020 or 2021, but links provided for information_: Presentation on Hudoc.exec: [Kamenos](#) and [action plan of 25 February 2019](#).

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3. Promotion of judges and prosecutors

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4. Allocation of cases in courts

Department for the Execution of Judgments of the European Court of Human Rights

Koulias v Cyprus (48781/12) (STAND): This case concerns objectively justified doubts regarding the impartiality of a judge deciding the applicant's case in 2012. In defamation proceedings against the applicant before the Supreme Court, the appellant's lawyer was the founding partner of the firm for which the son of the presiding judge on the Supreme Courts' bench worked. These circumstances were not disclosed to the applicant who discovered them only after a judgment had been given in respect of his appeal (violation of Art. 6 § 1).

New case, presentation on Hudoc.exec : [Koulias](#)

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

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6. Accountability of judges and prosecutors, including disciplinary regime and ethical rules.

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7. Remuneration/bonuses for judges and prosecutors

8. Independence/autonomy of the prosecution service

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9. Independence of the Bar (chamber/association of lawyers)

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

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11. Other - please specify

PACE

Democracies facing the Covid-19 pandemic

Rapporteur : Mr Ian LIDDELL-GRAINGER, United Kingdom, EC/DA

Doc. 15157

Consultative Council of European Judges (CCJE)

Statement by the President of the CCJE on the role of judges during and in the aftermath of the COVID-19 pandemic: lessons and challenges (24 June 2020)

<https://rm.coe.int/ccje-2020-2-statement-of-the-ccje-president-3-lessons-and-challenges-c/16809ed060>

Opinion No. 23 (2020) of the CCJE on the role of associations of judges in supporting judicial independence (6 November 2020)

<https://rm.coe.int/opinion-23-en-ccje-2020/1680a03d4b>

Consultative Council of European Prosecutors (CCPE)

Opinion No. 15 (2020) of the CCPE on the role of prosecutors in emergency situations, in particular when facing a pandemic (19 November 2020)

<https://rm.coe.int/opinion-no-15-ccpe-en/1680a05a1b>

GRECO

9 December 2020 – International Anti-Corruption Day - Newsroom (coe.int)

GRECO President: “No quarter to corruption in healthcare, governments must lead by example”

CPT

Report on CPT’s 2017 periodic visit; [CPT/Inf \(2018\) 16](#), paras. 12, 37 and 38

The right of access to a lawyer is mainly regulated in Sections 3 and 8 of the Law on the Rights of Arrested and Detained Persons (RADP) and has been formally reinforced by the March 2017 amendments.

That said, the findings of the 2017 visit indicate that in practice there were no improvements with respect to the exercise of the right of access to a lawyer. A detailed examination of custody registers in a number of police stations visited revealed that only some 20% of persons detained by the police had actually benefited from access to a lawyer during their stay in police custody. One of the annexes of the booklet on rights contained a waiver of the right to legal assistance, which could be signed by the detainee. It was striking that, while only a minority of detainees were assisted by a lawyer, it was very rare to find a signed confirmation that they did not wish to make use of the services of a lawyer.

Before the first court hearing, a detained person had to have the financial means in order to have access to a lawyer; even then, access was hindered in practice. From interviews carried out with both detained persons and lawyers, it emerged that detainees were being prevented by police officers from contacting a lawyer until they had made a written statement; representatives of the Bar Association confirmed that the presence of a lawyer was not permitted during police interviews. This is a fundamental protection gap, given that it is precisely during the period immediately following the deprivation of liberty that the risk of intimidation and ill-treatment is at its greatest. In this context, it is of paramount importance that the right of access to a lawyer includes the possibility of speaking with a lawyer in private as from the very outset of the deprivation of liberty; this is now guaranteed under the amended provisions of the RADP.

The system of legal aid is not effective in practice, in particular for foreign nationals. The fact that free legal aid for a person deprived of his/her liberty requires a decision from a court – subject to a “means and merits” test – before a lawyer can be assigned to the case, has the effect that legal aid is not available at the outset of deprivation of liberty [...] Further, over the last six years since the introduction of legal aid for detention, only a handful of applications were successful, and foreign nationals are particularly disadvantaged. Legal aid will never be granted before police interviews take place.

The fact that legal aid is not available at the pre-trial stage was confirmed by the Bar Association and also acknowledged by the Attorney General. Consequently, indigent persons detained by the police, in respect of whom an ex officio lawyer had been appointed, were usually only able to meet that lawyer for the first time at the court hearing. Further, in practice, lawyers were only contacted shortly before the hearing.

Number of allegations of physical ill-treatment during police questioning.

B. Quality of justice

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12. Accessibility of courts (e.g. court fees, legal aid)
13. Resources of the judiciary (human/financial)
14. Use of assessment tools and standards (e.g. ICT systems for case management, court statistics, monitoring, evaluation, surveys among court users or legal professionals)
15. Other - please specify

European Commission for the Efficiency of Justice (CEPEJ)

<https://www.coe.int/fr/web/cepej/country-profiles/cyprus>

C. Efficiency of the justice system

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16. Length of proceedings

17. Enforcement of judgements

18. Other - please specify

European Court of Human Rights - country profile

https://echr.coe.int/Documents/CP_Cyprus_ENG.pdf

Execution of Judgments of the European Court of Human Rights - country factsheets

<https://rm.coe.int/1680709743>

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 that have occurred since these documents were published.

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

GRECO

Guidelines addressed to GRECO 50 Member States

[Corruption Risks and Useful Legal References in the context of COVID-19](#)

[Published 21/04/2020](#)

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Office of the Commissioner for Human Rights

Corruption undermines human rights and the rule of law [Corruption undermines human rights and the rule of law - Human Rights Comments - Commissioner for Human Rights \(coe.int\)](#) – published on 19 January 2021

GRECO

<https://www.coe.int/en/web/greco/evaluations/cyprus>

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19. List of relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption. Where possible, please indicate the resources allocated to these (the human, financial, legal, and practical resources as relevant).

B. Prevention

GRECO

Guidelines addressed to GRECO 50 Member States

[Corruption Risks and Useful Legal References in the context of COVID-19](#)

[Published 21/04/2020](#)

GRECO

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20. Integrity framework: asset disclosure rules, lobbying, revolving doors and general transparency of public decision-making (including public access to information)
21. Rules on preventing conflict of interests in the public sector
22. Measures in place to ensure Whistle-blower protection and encourage reporting of corruption
23. List the sectors with high-risks of corruption in your Member State and list the relevant measures taken/envisaged for preventing corruption in these sectors. (e.g. public procurement, healthcare, other).
24. Any other relevant measures to prevent corruption in public and private sector

C. Repressive measures

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25. Criminalisation of corruption and related offences,
26. Overview of application of sanctions (criminal and non-criminal) for corruption offences (including for legal persons)
27. Potential obstacles to investigation and prosecution of high-level and complex corruption cases(e.g. political immunity regulation)

III Media pluralism

A. Media regulatory authorities and bodies

28. Independence, enforcement powers and adequacy of resources of media authorities and bodies

Relevant recommendation of the Committee of Ministers of the Council of Europe to member states:

[Recommendation Rec \(2000\) 23 of the Committee of Ministers to member states on the independence and functions of regulatory authorities for the broadcasting sector](#)

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

B. Transparency of media ownership and government interference

30. The transparent allocation of state advertising (including any rules regulating the matter)

31. Public information campaigns on rule of law issues (e.g. on judges and prosecutors, journalists, civil society)

Office of the Commissioner for Human Rights

[Time to take action against SLAPPs - Human Rights Comments - Commissioner for Human Rights \(coe.int\)](#) – published on 27 October 2020

32. Rules governing transparency of media ownership

Relevant recommendation of the Committee of Ministers of the Council of Europe to member states:

[Recommendation CM/Rec\(2018\)1 of the Committee of Ministers to member States on media pluralism and transparency of media ownership](#)

PACE

The impact of the Covid-19 pandemic on human rights and the rule of law

(Rapporteur : [Mr Vladimir VARDANYAN](#), Armenia, EPP/CD)

[Doc. 15139](#) / See also the [Opinion](#) by the Committee on Culture, Science, Education and Media on the aforementioned report.

C. Framework for journalists' protection

33. Rules and practices guaranteeing journalist's independence and safety and protecting journalistic and other media activity from interference by state authorities

34. Law enforcement capacity to ensure journalists' safety and to investigate attacks on journalists

Relevant recommendation of the Committee of Ministers of the Council of Europe to member states:

[Recommendation CM/Rec\(2016\)4 of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors](#)

35. Access to information and public documents

Office of the Commissioner for Human Rights

[Access to official documents is crucial – let's make it a reality - Human Rights Comments - Commissioner for Human Rights \(coe.int\)](#) – published on 1 December 2020

36. Other - please specify

Office of the Commissioner for Human Rights

[Tapping the full potential of Equality Bodies for a fairer Europe - Human Rights Comments - Commissioner for Human Rights \(coe.int\)](#) – published on 26 June 2020

Platform to promote the protection of journalism and safety of journalists

<https://www.coe.int/en/web/media-freedom/cyprus>

Freedom of expression chapters of the annual reports of the Secretary General of the Council of Europe featuring indicators on media pluralism and transparency of ownership, media independence and safety of journalists as well as country-specific assessments:

2018

<https://rm.coe.int/state-of-democracy-human-rights-and-the-rule-of-law-role-of-institutio/168086c0c5>

2017

<https://edoc.coe.int/en/an-overview/7345-pdf-state-of-democracy-human-rights-and-the-rule-of-law.html>

2016

https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680646af8

2015

https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=090000168058e01e

IV Other institutional issues related to checks and balances

A. The process for preparing and enacting laws

37. Stakeholders'/public consultations (particularly consultation of judiciary on judicial reforms), transparency of the legislative process, 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).

38. Regime for constitutional review of laws

B. Independent authorities

39. independence, capacity and powers of national human rights institutions, ombudsman institutions and equality bodies

C. Accessibility and judicial review of administrative decisions

40. modalities of publication of administrative decisions and scope of judicial review

41. implementation by the public administration and State institutions of final court decisions

D. The enabling framework for civil society

42. Measures regarding the framework for civil society organisations

43. Other - please specify

Expert Council on NGO Law report on criminalisation of NGO activity in relation to migration and a compendium of developments 2017-2019 in NGO law, freedom of association

<https://rm.coe.int/expert-council-conf-exp-2020-1-ngos-developments-in-standards-mechanis/16809ccd3a>

<https://rm.coe.int/expert-council-conf-exp-2019-1-criminal-law-ngo-restrictions-migration/1680996969>

Private Office procedure on human rights defenders interacting with the Council of Europe

https://www.coe.int/en/web/secretary-general/news-2019-thorbjorn-jagland/-/asset_publisher/9j1gCsAwfdMt/content/revised-private-office-procedure-on-human-rights-defenders-interacting-with-the-council-of-europe