

2021 Rule of Law Report - targeted stakeholder consultation

Fields marked with * are mandatory.

Introduction

The first annual Rule of Law Report was published on 30 September 2020. It is the core of the new European rule of law mechanism, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues.

In the preparation of the first annual Rule of Law Report, the Commission relied on a diversity of relevant sources, including from Member States, country visits, and stakeholders' contributions collected through a targeted stakeholder consultation[1]. The information provided has informed the Member State-specific assessments of the Commission in preparing the Report. Building on the positive experience from the first Rule of Law Report, the Commission is inviting stakeholders to provide written contributions for the preparation of the 2021 Rule of Law Report through this targeted consultation.

The contributions should cover in particular (1) feedback and developments with regard to the points raised in the country chapters of the 2020 Rule of Law Report and (2) any other significant developments since January 2020[2] falling under the 'type of information' outlined in next section. This would also include significant rule of law developments in relation to the COVID-19 pandemic falling under the scope of the four pillars covered by the report.

The input should be short and concise, if possible in English, 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.

Please provide your contribution by 8 March. Should you have any requests for clarifications, you can contact the Commission at the following email address: rule-of-law-network@ec.europa.eu.

[1] https://ec.europa.eu/info/publications/2020-rule-law-report-targeted-stakeholder-consultation_en

[2] Unless the information was already submitted in the consultation for the 2020 Rule of Law Report.

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 and nominations for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, heads of independent authorities included in the scope of the request for input[1])

Any other relevant developments

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

Please include, where relevant, information related to measures taken in the context of the COVID-19 pandemic under the relevant topics.

If there are no changes, it is sufficient to indicate this and the information covered in the 2020 Rule of Law Report should not be repeated.

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

About you

* I am giving my contribution as

Other

If "Other", please specify

Justice

* Organisation name

250 character(s) maximum

Supreme Court of Cyprus

* Main Areas of Work

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

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

500 character(s) maximum

http://www.supremecourt.gov.cy/judicial/sc.nsf/home_el/home_el?opendocument

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

Cyprus

* First Name

LEONIDAS

* Surname

PARPARINOS

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

lparparinos@sc.judicial.gov.cy

* 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](#).

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

[overview_topics_for_contribution.pdf](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

Questions on developments in Member States

The following four pillars are sub-divided into topics and sub-topics. You are invited to provide concrete information on significant developments, focusing primarily on developments since January 2020, for each of the sub-topics which are relevant for your work. Please feel free to provide a link to and reference relevant legislation/documents. Significant developments can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices (as outlined under "type of information").

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.

Please note that, due to the size of the questionnaire, certain elements may be slow to load, especially if selecting many Member States at once. In such cases, it is recommended to wait a few minutes to let the page load correctly.

Member States covered in contribution [several choices possible]

Please select all Member States for which you wish to contribute information. For each Member State, a separate template for providing information will open. This may take several minutes to fully load.

- 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

Justice System - Cyprus

Independence

Appointment and selection of judges, prosecutors and court presidents

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

3000 character(s) maximum

For the purposes of this consultation, the responses given refer exclusively to Cyprus judiciary. Greco's 4th Round of Evaluation Report on Cyprus is relevant. In addition, the following are mentioned: (a) Supreme Court (SC) Justices are appointed by the President of the Republic, by virtue of Constitutional provisions. It is customary and established practice, emanating from the constitutional doctrine of separation of state powers diffused in the Constitution, for the President, to seek and as a rule follow the recommendation of the SC before making a new appointment. The President of the SC is the most senior Justice of the Court. (b) Judges of inferior courts: Section 6 of the Courts of Justice Act of 1960 stipulates high moral standard before appointment. The procedure and criteria for appointments is laid down in the 'Procedure and Criteria on Judicial Appointments' issued by the SC. Please see link for the full text of the Procedure and Criteria in Greek: <http://www.supremecourt.gov.cy/judicial/sc.nsf/All/B5D10E072BCE58B7C225848D003BEAFC?OpenDocument>. A concise English version of the text is provided below. The procedure is separated in 7 distinct stages, as follows:

- Stage of Proclamation in the Official Gazette.
- Stage of Submission of Applications accompanied by a Curriculum Vitae, a Declaration of any previous or outstanding current criminal, civil or disciplinary cases and a concise description of the applicant's personality.
- Stage of Recommendations by the Presidents of the District Courts, Attorney-General and the Local Bar Associations.
- Stage of Preliminary Evaluation by the Supreme Council of Judicature: All necessary requirements provided by law and the qualifications required for the judicial position applied for must be satisfied. Disqualification or review of eligibility is only justified based on valid written evidence. The candidate has the right to be heard beforehand.
- Stage of Invitation for a First Interview aiming in bringing out, inter alia, the candidate's personality, knowledge of the law, ability to assimilate and analyse information and perform effectively, efficiently and expeditiously under demanding and adverse conditions. Candidates with the highest overall score are selected and shortlisted, subject to having obtained a score of at least 50%.
- Stage of Invitation for a Second Interview of Shortlisted Candidates: Each candidate must answer questions and possibly, a pre-determined written assessment. The questions and/or written assessment aim in bringing out, inter alia, the extent of the candidate's analytical legal thought, in-depth knowledge of the case-law and its developments, independence of thought, organisation and cooperation as well as the possession of technology skills. The most suitable candidates who have obtained the highest scores over 70% are selected. The criteria prescribe in detail the manner of assessment.
- Stage of Announ. of Results in order of merit. Detailed records are kept with a right of access by every cand.

Irremovability of judges; including transfers, dismissal and retirement regime of judges, court presidents and prosecutors

3000 character(s) maximum

Greco's 4th Round of Evaluation Report on Cyprus is relevant.

Moreover, under Article 133.7 of the Constitution, Supreme Court Justices are permanent members of the Judiciary. Similarly, by virtue of section 6 of the Administration of Justice Law, L.33/1964, judges are permanent members of the Judiciary of the Republic.

Nevertheless, the guiding principles, envisaged in the Guide to Judicial Conduct (the Guide) , are binding and constitute the quintessence of judicial conduct and any breach of them may result in disciplinary action being taken, in accordance with Articles 133 and 153 of the Constitution in as far as the President and the Justices of the Supreme Court is concern and Article 157 of the Constitution in as far as judicial officeholders of inferior courts is concern. The applicable procedure is laid down in the Rules of Court of 2015 and 2000, respectively.

By virtue of Article 157 of the Constitution, the Supreme Council of Judicature ('SCJ') is exclusively competent for the dismissal and disciplinary matters of all judges of inferior courts. The Supreme Council of Judicature is composed of the Supreme Court's Justices (the President and 12 Justices as provided by section 3(2) of the Administration of Justice Law, L. 33/1964). Please see Greco's 4th Round of Evaluation Report for the pending reforms in as far as the enlargement of the SCJ is concern.

Under Article 157.3 of the Constitution, no judge is to be dismissed from his judicial duties except on the like grounds and in the same manner as a Justice of the Supreme Court. Supreme Court Justices may be dismissed for inappropriate behaviour (misconduct) under Article 153.7(4) of the Constitution and likewise the provisions apply to inferior court judges.

The procedure is judicial in nature and the judge under scrutiny has the right to be heard and adequately present his case before the Council (Article 153.8(3) of the Constitution). The Exercise of Disciplinary Power of the Supreme Council of Judicature Procedure Rules of 2000 govern the procedure of disciplinary proceedings for inferior court judges and the Supreme Council of Judicature (Review and Procedure) Procedure Rules of 2015 govern the procedure for Supreme Court Justices under scrutiny.

Inferior court judges are transferred by decision of the SCJ. Review of them is also done by the body itself.

Judges of specialised jurisdiction are not subjected to any transfers since their judicial function is of a specialised jurisdiction. In as far as the retirement of judges is concern, Supreme Court Justices retire at the age of 68, by virtue of constitutional provisions. First-instance judges on the other hand, retire at the age of 65.

Promotion of judges and prosecutors

3000 character(s) maximum

Greco's 4th Round of Evaluation Report on Cyprus is relevant.

An equivalent procedure to Judicial Appointment is in place for Judicial Promotions; the 'Procedure and Criteria on Judicial Promotions'. Please see link for the full text of the Procedure and Criteria can be found in Greek:

[http://www.supremecourt.gov.cy/judicial/sc.nsf/All/AC0BEE644B92B162C2258488001F633D?](http://www.supremecourt.gov.cy/judicial/sc.nsf/All/AC0BEE644B92B162C2258488001F633D?OpenDocument)

OpenDocument

A concise English version of the text is provided below. The procedure is separated in 7 distinct stages, as follows:

- Stage of Proclamation in the Official Gazette.
- Stage of Submission of Applications: Submission of a concise description of applicant's judicial work and ten (10) of his most recent judgments, indicating, in his view, the three (3) most important.
- Stage of Recommendations by the Presidents of the District Courts/Presidents of Courts of Specialised Jurisdiction, Attorney-General and the Local Bar Associations.
- Stage of Preliminary Evaluation of Applications by the Supreme Council of Judicature: Disqualification or review of eligibility or the furtherance of it is only justified based on valid written evidence. The candidate has the right to be heard beforehand. Any disciplinary offences as well as conduct contrary to the Guide of Judicial Conduct, is taken into account, depending on its severity, at the final stage of the selection process.
- Stage of Invitation for a First Interview: Each candidate must answer questions aiming in bringing out, inter alia, the candidate's personality, independence of mind and ability to perform effectively and efficiently in the demands of the post.

For this purpose, a mechanism has been laid down by the Supreme Court in order to provide assistance to the SCJ: An appeal bench which has handed down a judgment, may provide positive or negative comments, on a number of specific issues, in relation to the first-instance judgment. The comments are placed in the judge's file.

- Stage of Selection of the most suitable Candidates for promotion after taking into account: the views of the Presidents, Seniority, the whole resume and his interview results.
- Stage of Announcement of Results and Appointment: A list in order of seniority is prepared and announced publicly.

Detailed records are kept throughout the procedure with a right of access by every candidate.

Allocation of cases in courts

3000 character(s) maximum

Case allocation, in all instances and jurisdictions, is conducted by the competent Registry in a random manner. Furthermore, the Supreme Court cannot transfer a case from one judge of an inferior court to another of the same jurisdiction. If a senior judge felt able to remove a particular judge from a case, simply because they did not like the decision reached, the principle of judicial independence would be greatly undermined and there could be no possibility of a fair trial.

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)

3000 character(s) maximum

The long-standing principle of judicial independence is a cornerstone of our legal system. Judicial independence is safeguarded by the Constitution and the traditions of the judiciary. The Constitution provides for a strict separation of the powers, jurisdictions and duties of the executive, legislature and judiciary. The independence of the judiciary is an expression of the autonomy of that function. Judicial independence is also safeguarded by the Guide to Judicial Conduct (the 'Guide'), issued on the 30th of January, 2019. The Guide contains core guiding principles on judicial conduct to enhance Judicial Integrity and incorporates the Bangalore principles as well as the Commentary. The principles are intended to offer guidance and assistance to judges who are responsible for their own decisions as to whether a particular activity or conduct is appropriate or not. The Guide upholds the independence of individual judges as well as of the judiciary as a whole, of both external pressures and of each other. Individual judicial independence is as important as the institutional one and the interests of justice must always be the overriding factor. The full text of the Guide can be found in English in the following link, with particular emphasis on "1. INDEPENDENCE" and its guiding principles: <http://www.supremecourt.gov.cy/judicial/sc.nsf/All/216D6B58F29CE1E1C22585F90025ED73?OpenDocument>

The Supreme Council of Judicature is exclusively competent for all matters relating to the judiciary (transfers, dismissal, disciplinary action etc.). The Supreme Council of Judicature is composed of the Supreme Court's Justices (the President and 12 Justices as provided by section 3(2) of the Administration of Justice Law, L. 33/1964). Please see Greco's 4th Round of Evaluation Report for the pending reforms in as far as the enlargement of the SCJ is concern.

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal liability of judges

3000 character(s) maximum

In order to ensure the unobstructed and without fear execution of a Judge's judicial duties, Judges are given immunity from legal liability for any acts they carry out in the performance of their judicial function s.15 of Criminal Code. They also benefit from immunity from being sued for any action taken or view expressed during the exercise of their judicial function (Art 133.10+153.10 of Const.). Judges do not qualify for any immunity from legal liability when they act in a purely private capacity. In this respect, they are subject to the law in the same way as any other citizen. The Crim. Law Conv. of the Council on Corruption (Ratif.) Law 2000 is relevant (Kyprizoglou a.o v. R, Cr.App.53/17 a.o, 15.12.17). Crim. investigations are conducted by the CYPolice. If there is sufficient incriminating evidence, the A-G (independent Public Prosecutor-Art 112.2+113.1 of Const.), will indict the judge in question and proceed with prosecution (Art 113.2 of Const.). Once indicted, the case will be brought before the competent court. Art 30 of Const. enshrines the right to a fair trial. By virtue of the Guide, a Judge must inform the Pr. of the SC for any charges brought against him or if he was cautioned to the law for any criminal offence other than parking offences or any other traffic offence which constitutes a misdemeanour and lacks aggravating circumstances. A Judge must inform the Pr. of the Court where he sits, for any involvement, in any civil proceeding. He must notify the Pr. of their Court if they are aware of any matters relating to conduct which may affect his position or may reflect on the standing and reputation of the judiciary at large. If a Judge has been found to have committed a crim. offence, the Pr. of the SC may refer the judge to the SCJ in order to establish whether it would be appropriate to remove him from office. Consideration of taking formal action will be appropriate, where the Judge has been convicted for an offence which might reasonably be thought to throw serious doubt on the Judge's character, integrity or continuing fitness to hold office or his conduct otherwise appears to be such as to cast serious doubt on his fitness to hold office. Such considerations are supported by the high ethical standards which guide judicial conduct and are expected. The principles, envisaged in the Guide, are binding and constitute the quintessence of judicial conduct and any breach of them may result in discipl action, in accord with Art 133+153 of Const. inasfar Pr. and Justices of the SC and Art 157 inasfar as judges of inferior courts. The applicable procedure (judicial in nature) is laid down in the Rules of Court of 2015 and 2000. Judges have the right to be heard and present their case. The SCJ is exclusively competent for the dismissal and disciplinary matters of inferior court judges. The SCJ is composed of the SC's Justices (see Greco's 4th Round for enlargement). Justices and judges may be dismissed for inappropriate behaviour under Art 153.7(4) and 157.3 of Const.

Remuneration/bonuses for judges and prosecutors

3000 character(s) maximum

Remuneration of all Justices and Judges of inferior courts are published in the approved annual Budget of the Ministry of Finance. Their annual gross emoluments are as follows:

- (a) President and Justices of the Supreme Court: €126.237,
- (b) Presidents of District Courts: €96.665,
- (c) Senior District Judge: €92.858,
- (d) District Court Judge: €86.998,
- (e) President of Industrial Disputes Court: €92.858,
- (f) Judge of Industrial Disputes Court: €92.305,
- (g) Presidents of Rent Control Courts: €92.858
- (h) President of Court Martial: €92.858
- (i) Presidents of Family Courts: €92.858
- (j) Judges of Family Courts: €90.095
- (k) President of Administrative Court: €96.665,
- (l) Judges of Administrative Court: €92.858,
- (m) Presidents of Commercial Court (under establishment): €96.665 and
- (n) Judges of Administrative Court of Asylum and International Protection: €82.575.

By virtue of Article 158.3 of the Constitution, a judicial officeholder's emoluments cannot be adversely affected after appointment. In the case of *Fylaktou and others v. The Republic of Cyprus* (2013) 3 C.L.R. 565 the Supreme Court held that the provisions of a number of statutes were unconstitutional, since they infringed the provisions of Article 158.3 of the Constitution, upholding and safeguarding, in this respect, the long-standing principle of judicial independence.

Independence/autonomy of the prosecution service

3000 character(s) maximum

The Attorney-General is the independent Public Prosecutor and Legal Advisor of the State by virtue of Articles 112.2 and 113.1 of the Constitution. Concisely, the relevant Constitutional provisions are emphasised below:

Article 112

- The President and the Vice-President of the Republic appoint jointly two persons who are qualified for appointment as a judge of the High Court one to be the Attorney-General of the Republic and the other to be the Deputy Attorney-General of the Republic.
- The Attorney-General of the Republic is the Head and the Deputy Attorney-General of the Republic shall be the Deputy Head of the Law Office of the Republic which is an independent office and shall not be under any Ministry.
- The Attorney-General and the Deputy Attorney-General of the Republic shall be members of the permanent legal service of the Republic and shall hold office under the same terms and conditions as a judge of the High Court other than its President and shall not be removed from office except on the like grounds and in the like manner as such judge of the High Court.

Article 113

- The Attorney-General of the Republic assisted by the Deputy Attorney General of the Republic is the legal adviser of the Republic and of the President and of the Vice-President of the Republic and of the Council of Ministers and of the Ministers and shall exercise all such other powers and shall perform all such other functions and duties as are conferred or imposed on him by this Constitution or by law.
- The Attorney-General of the Republic shall have power, exercisable at his discretion in the public interest, to institute, conduct, take over and continue or discontinue any proceedings for an offence against any person in the Republic. Such power may be exercised by him in person or by officers subordinate to him acting under and in accordance with his instructions.

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

As of the 30th of January 2019, the Guide to Judicial Conduct (Code of Ethics) ("Guide") has been adopted and revised on numerous occasions. The Guide has implemented in full the Bangalore Principles. As a matter of fact, the provisions of the Bangalore Principles were translated verbatim. More importantly though, the Guide has incorporated the Commentary on the Bangalore Principles of Judicial Conduct, in its entirety. Serious transgression/breach of the provisions of the Guide may constitute a disciplinary offence and may result in disciplinary action being taken. Furthermore, the Supreme Court has issued and published the prescribed Procedure and Criteria on Judicial Appointments and an equivalent procedure on Judicial Promotions, titled Procedure and Criteria on Judicial Promotions. In addition, the Judicial Practice Direction of 17 March 1988 has been amended to give a broad meaning to the term 'judge's family' in order to exclude any conflict of interest and to avoid the fairness of the proceedings from being questioned. Moreover, the amended Judicial Practice Direction has been incorporated in the Guide. Furthermore, a Permanent Deontology and Judicial Conduct Committee has been established to continuously monitor the developments in the sphere of Judicial Ethics and Deontology. Lastly, two amendment Bills are currently pending before Parliament. A Constitutional Amendment Bill has been introduced proposing the division of the current Supreme Court into the Supreme Constitutional Court and the High Court of Justice. The second Bill proposes the enlargement of the Supreme Council of Judicature (SCJ). The above marked Cyprus' full implementation of GRECO's recommendations in relation to the judiciary (please see Second Compliance Report of Fourth Evaluation Round on Cyprus (Corruption prevention in respect of members of parliament, judges and prosecutors), as adopted by GRECO at its 86th Plenary Meeting (Strasbourg, 26-29 October 2020).

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 "type of information".)

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

3000 character(s) maximum

Art 30.1 of Const. acknowledges the right of unimpeded access to court for the assertion or vindication of one's rights. No leave of the Court is required for lodging a claim to the District Court (DC) or recourse to the Administrative Court (AC) or for a revisional appeal to the SC. On the other hand, no *actio popularis* is acknowledged in CY. In this context, for an administrative decision to be amenable to judicial review an existing, direct and legitimate interest / standing of the applicant must be present whilst the decision must be justiciable or for a private prosecution to be initiated the person concerned must have been the victim of crime (*Ttofinis v Theocharides* (1983) 2 C.L.R. 363). Court fees must be paid as prescribed. Considering that the prescribed fees are reasonable and not excessive, they do not stand in the way of the right of access to justice. By virtue of Art 163.2(c) of Const., the SC is empowered to issue Rules of Procedure in order to prescribe forms and fees for all proceedings before it. Court fees are payable in the form of stamps (Court Fees Order 1953). In as far as legal aid is concerned, the conditions for eligibility are mainly concerned with:

1. The type of proceedings. By virtue of the Legal Aid Law 2002, legal aid is available to eligible applicants in the following proceedings:
 - Proceedings before the DC for the execution of a European Arrest Warrant
 - Criminal proceedings against any person, for an offence punishable with a custodial sentence of at least one year
 - Civil (against the Republic) and Criminal proceedings for violation of human rights.
 - Family proceedings relating to bilateral or multilateral Agreements signed by the Republic or for parental care, alimony, child recognition, adoption, property disputes among spouses and all other relevant marital and family matters
 - Cross-border proceedings
 - Admin. proceedings before the AC for international protection and refugee applicants
 - Admin. proceedings before the AC for recourses lodged by illegal third-country nationals
 - Civil proceedings before the DCs, lodged by victims of trafficking or by children victims of child pornography, sexual harassment and/or sexual molestation, seeking damages
 - Proceedings before any Court relating to the sale of mortgaged property
 - Admin. proceedings before the AC lodged by a citizen of the EU or a member of his family, relating to specified legislative provisions.
2. an assessment of the applicant's financial resources,
3. the severity of the case.

Free legal aid is only available where it is justified by the seriousness of the case and for the interest of justice. By virtue of s 2 of the statute, legal aid may be offered in the form of advice, assistance and representation. By virtue of Art 3 of Const., the official languages of the Republic are Greek and Turkish. Art 3.4 makes provisions as to the language(s) to be used during judicial proceedings. If a Turkish Cypriot litigant in person or advocate is before the Court, the provisions of the Const. will be complied with.

Resources of the judiciary (human/financial/material)

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

3000 character(s) maximum

All Judges of both first and last instance, have their personal office computer, laptop, tablet as well as access to public online national and foreign law reports and databases. The website of CyLaw managed by the Cyprus Bar Association, provides open, free of charge, public access to a number of datasets, such as case law and legislation databases. Namely, it provides access to the database of Cyprus case law, Supreme Court of Greece case law, European Court of Human Rights case law and Cyprus legislation. At the same time, CyLaw provides links to other foreign, open databases such as WorldLII, BAILII, CanLII etc, for public access to foreign case law and legislation. Access to closed-circuit national (leginet.eu) and foreign online databases (e.g. Lexis-Nexis and Westlaw) is provided to Judges by the institution, which bears the cost.

The Supreme Court of Cyprus as well as all first-instance courts have their own library with a qualified librarian. The libraries include textbooks on Cyprus law, Greek Administrative law, English law and American Constitutional law as well as published law reports of cases decided in Cyprus, the Greek Council of State, England and Wales and the European Court of Human Rights. In addition, Justices of the Supreme Court and judges of all inferior courts have their personal library which includes Cyprus law reports and selected textbooks.

All Judges have their own personal assistant (stenographer) and a bailiff. Justices of the Supreme Court also have a Legal Assistant assigned to them.

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

3000 character(s) maximum

On-going judicial training is provided by the Judicial Training School, which was established in January 2017. The School is responsible for the development and delivery of training to judges in all Courts across Cyprus. The first training programmes of the School were launched in October of 2018 and since then, a number of programmes have been realised. In August 2020, the Establishment of the Judicial Training School Law of 2020, L. 101(I)/2020 was enacted and marked the School's commitment to provide on-going training of an outstanding quality to Judges, Legal Assistants, Registrars and legal practitioners.

Some of the School's main programmes are mentioned below:

The School, at the end of 2017, obtained funding from the EC and managed to train 7 judges, as trainers. The trainers were to deliver the first compulsory training programme on "Judgecraft", which is considered the state-of-the-art course in the whole of Europe. "Judgecraft" included training seminars on Judicial Conduct and Ethics. The course was compulsory and was delivered to all Judges in October and November 2018. The training was based on the Judicial Ethics Training Tools of the UNODC. Judges were introduced intensively to the Bangalore Principles and to national and European case law on the matter. Four case studies with real life dilemmas were extensively discussed in small groups of 6 Judges. The training programme was conducted by Professor Jeremy Cooper (former Joint Director of Training and Dean of Faculty at the Judicial College, United Kingdom), together with a Judge (President) of the District Court and six facilitators. The whole programme was supervised by the Head Trainer who was appointed by the EC, as it was a funding project.

In addition, a training programme on the Judicial Code of Conduct (Judicial Ethics and Deontology) and social media took place in September 2020 and was conducted by two trained Judges (Presidents) of the District Court.

Furthermore, the Judicial Training School, on behalf of the Supreme Court, applied to the UN Office on Drugs and Crime – UNODC – which, in association with the Global Judicial Integrity Network, promote Judicial Ethics in compliance with Article 11 of the United Nations Convention against corruption, and asked that Cyprus be approved as a Pilot Site for training on Judicial Conduct and Ethics. The application was accepted and one of the Presidents of Court was selected to take part in a course, in order to be further trained as a trainer on Judicial Conduct and Ethics. Therefore, one of the judges-trainers was trained exclusively on Judicial Conduct and Ethics.

Lastly, a number of programmes have been realised through ERA and HELP (Council of Europe) such as 'Data Protection and Privacy Rights' and 'Procedural Safeguards in Criminal Proceedings and Victims' Rights'.

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)

(Factual information presented in Commission Staff Working Document of 2 December 2020, SWD(2020) 540 final, does not need to be repeated)

3000 character(s) maximum

The use of digital technology within the justice system is currently one of the most promising projects of the Judicial Service and forms part of a larger reform programme. The pandemic has propelled the project towards completion. Three digitalisation projects are currently underway:

1. The e-justice system, i.e., digitisation of the entire justice system will provide a significant tool to modernising the courts and enhance the capacity of court management. A budget of €9 million has been allocated to the project.
 2. The DAR system – digital record keeping.
 3. The i-justice system (e-filing). The project is close to completion and the i-Justice (e-filing) Rules of Procedure 2021 have already been enacted (on 15th of January 2021). In the meantime, and while the system is being tested, the Court, by virtue of the Supreme Court Practice Direction 132 of 26.06.2020, may give directions for the electronic lodging of pleadings, submissions or any other document until the system's full implementation. The Court may also exercise its discretion in favour of granting costs if pleadings, submissions or any other document were lodged electronically, as per its directions.
- Lastly, due to the pandemic an extensive use of electronic communication tools has been used for the conduction of meetings, deliberations, conferences, seminars and trainings (teleconferencing, webinars etc.).

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

Please see Response given above. In addition, thorough training on the systems will be conducted, before their full implementation, to Judges, court staff and legal practitioners whilst taking into account their feedback on possible improvements. At the same time, the Director of Reform of the Supreme Court and the appointed Reform Committee are responsible, inter alia; for monitoring and evaluating the progress and implementation of all current and future technological reforms. In this context, surveys among users may be used as a tool to evaluation for fruitful feedback and insight to be acquired.

Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialization

3000 character(s) maximum

The Court System of the Republic of Cyprus entails a two-tier structure.

1. Powers and jurisdictions of the Supreme Court:

- Bills and Laws of Parliament may be referred to the Supreme Court by the President of the Republic to decide a priori upon their constitutionality.
- It is the Constitutional Court of the land, with jurisdiction to annul any law which infringes provisions or entrenched principles of the Constitution (A posteriori control).
- It is the Appellate Court of last instance, empowered to hear Civil and Criminal appeals.
- It is the Appellate Revisional Court, empowered to hear appeals against decisions of the Administrative Court.
- It has jurisdiction to hear appeals against decisions of the Family Court.
- It is the Electoral Court, with exclusive jurisdiction to hear and decide upon election petitions, concerning the interpretation and application of electoral laws.
- It has jurisdiction to hear Admiralty cases both at first and last instance.
- It has exclusive jurisdiction to issue Prerogative orders, namely the prerogative orders of Habeas Corpus, Certiorari, Mandamus, Prohibition and Quo Warranto.
- Lastly, it has exclusive jurisdiction to sit as a Council and decide upon impeachment cases of the Highest Officials of the Republic.

2. Powers and jurisdictions of the first instance courts:

- District Courts, one for each of the six districts of Cyprus. The District Courts have jurisdiction to hear at first instance:

Civil cases where the cause of action has arisen wholly or partly within the limits of the District where the Court is established, or where the Defendant resides or carries his business.

Criminal cases to be tried summarily, relating to offences punishable with a custodial sentence not exceeding five years or with a pecuniary fine not exceeding the amount of €85.000 or both.

- Assize Courts, have criminal jurisdiction, to hear any criminal offence punishable by the Criminal Code or any other law. Currently, there are five Assize Courts.

- Courts of specialised Jurisdiction:

The Administrative Court adjudicates, at first instance, upon administrative recourses, under Article 146 of the Constitution.

The International Protection Administrative Court.

The Rent Control Tribunals have jurisdiction to try all disputes arising from the application of the Rent Control legislation. Three such Tribunals are currently present.

The Industrial Disputes Tribunal has jurisdiction to hear applications by employees for unfair dismissal and redundancies.

The Military Tribunal has jurisdiction to try offences committed by the members of the Armed Forces, under the Criminal Code and the Military Criminal Code.

The Family Courts have jurisdiction to hear matrimonial petitions for the dissolution of marriage, property disputes and matters relating to the custody, maintenance, access and adoption of children. At present three such Courts exist.

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 "type of information".)

Length of proceedings

3000 character(s) maximum

Criminal cases are generally given priority. First instance criminal cases and criminal appeals take on average 1 year maximum (6 months to a year), from initiation to disposition.

Delays in civil cases are unfortunately more acute. First instance civil cases and civil appeals take on average 6 years maximum, from initiation to disposition. Two major projects have been put forward to address the problem of delays and backlogs:

- The Backlogs clearing programme. The economic crisis of 2012-2013 brought a significant increase in the number of civil cases filed. These cases are complex, involve significant levels of discovery and do not lend themselves to speedy disposition. For this reason, the Supreme Court has committed in resolving the problem through a programme specifically designed to clear all backlogs.
- Fundamental amendments to the Civil Procedure Rules. The drafting of the proposed Rules has been completed and they are expected to come into force by June 2021. The new Rules introduce, inter alia, the overriding principle of enabling the court to deal with cases justly and at proportionate cost, Pre-Action Protocols, active case management, pre-action check-lists and faster procedures for small claims. The new Rules will move a case from initiation to disposition within an acceptable timescale.

In as far as Administrative justice is concern, recourses to the Administrative Court take on average 2.5 years from initiation to disposition. Recourses to the International Protection Administrative Court take on average 7 months from initiation to disposition with the exception of recourses against an order for detention, issued under the Refugees Law of 2000, where the statutory time limit for disposition is 4 weeks (section 6(b)(i)).

Appeals before the Supreme Court take on average 2-3 years from initiation to disposition. Furthermore, the introduction of ICT support (IT-based case filing and tracking as well as the digitalisation of the entire justice system) will offer efficient administrative and judicial case management at all instances and jurisdictions. The e-justice and i-justice systems' full implementation is expected at the beginning of 2022 and beginning of April 2021, respectively and will move the system completely from paper form to ICT. Lastly, a new governance model for the management and administration of the courts has been propelled with the establishment of an independent statutory body, the Courts Service of Cyprus (similar to Ireland's) to manage and support the operations of the courts. The Courts Service of Cyprus will have a Chief Executive and management team and a new streamlined structure to focus on operational and support functions. In this context, judges will be able to concentrate solely on their judicial functions.

Note: The length of proceedings mentioned above refer to cases disposed after the conduction of a hearing(s). They do not therefore, include cases disposed as frivolous and vexatious under relevant Rules of Court.

Other - please specify

3000 character(s) maximum

Anti-Corruption Framework - Cyprus

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

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

3000 character(s) maximum

Prevention

Integrity framework including incompatibility rules (e.g.: revolving doors)

3000 character(s) maximum

General transparency of public decision-making (including public access to information such as lobbying, asset disclosure rules and transparency of political party financing)

3000 character(s) maximum

Rules on preventing conflict of interests in the public sector.

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 preventing corruption and conflict of interest in these sectors. (e.g. public procurement, healthcare, other).

3000 character(s) maximum

Measures taken to address corruption risks in the context of the COVID-19 pandemic

3000 character(s) maximum

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

3000 character(s) maximum

Repressive measures

Criminalisation of corruption and related offences.

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 the implementation of EU funds

3000 character(s) maximum

Potential obstacles to investigation and prosecution of high-level and complex corruption cases(e.g. political immunity regulation).

3000 character(s) maximum

Other - please specify

3000 character(s) maximum

Media Pluralism - Cyprus

Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

Independence, enforcement powers and adequacy of resources 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

Transparency of media ownership and government interference

The transparent allocation of state advertising (including any rules regulating the matter); other safeguards against state / political interference

3000 character(s) maximum

Rules governing transparency of media ownership and public availability of media ownership information

3000 character(s) maximum

Framework for journalists' protection

Rules and practices guaranteeing journalist's independence and safety

3000 character(s) maximum

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

3000 character(s) maximum

Access to information and public documents

3000 character(s) maximum

Lawsuits and convictions against journalists (incl. defamation cases) and safeguards against abuse

3000 character(s) maximum

Other - please specify

3000 character(s) maximum

Other institutional issues related to checks and balances - Cyprus

The process for preparing and enacting laws

Framework, policy and use of impact assessments, stakeholders'/public consultations (particularly consultation of judiciary on judicial reforms), and transparency and quality of the legislative process

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

There is a constitutional role of the Supreme Court in scrutinising the constitutionality of proposed Bills and Acts. Since the Supreme Court, is the Supreme Constitutional Court, Bills and Laws of Parliament may be referred to the Supreme Court by the President of the Republic to decide a priori upon their constitutionality:

- Ex-ante, preventive scrutiny on the constitutionality of a Bill, under Article 140 of the Constitution. The President of the Republic may refer the Bill to the Supreme Court for an opinion on constitutional issues, prior to the Law coming into force. Constitutionality in this context entails a thorough examination of the proposed Law's compatibility with the constitution as well as with EU law and extends to well entrenched constitutional principles, such as separation of powers, natural justice (audi alteram partem), proper administration and human rights. This kind of scrutiny serves as a guardianship to the quality of constitutional democracy.

Furthermore, it is the Constitutional Court of the land, with jurisdiction to annul any law which infringes provisions or entrenched principles of the Constitution (A posteriori control):

- Ex-post scrutiny on the constitutionality of a Law, under Article 137 of the Constitution which was referred to the Supreme Court by the President of the Republic within 75 days of the Law coming into force.
- Ex-post scrutiny on the constitutionality of a Law, under Article 144 of the Constitution.

COVID-19: provide update on significant developments with regard to emergency regimes 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 by Parliament of emergency regimes and measures in the context of COVID-19 pandemic
- measures taken to ensure the continued activity of Parliament (including possible best practices).

3000 character(s) maximum

Independent authorities

Independence, 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

Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data) and judicial review (incl. scope, suspensive effect)

3000 character(s) maximum

Art 146.1 of the Constitution vests jurisdiction to review administrative action exclusively in the Administrative Court and in the Supreme Constitutional Court upon appeal. No other courts can assume directly or indirectly jurisdiction to review acts, decisions or omissions of administrative authorities. Leave of the court is not required for an administrative or executive act to be challenged. Similarly, no leave of the Supreme Court is required for the first instance judgment to be appealed. The Constitution introduces a strict time limit within which administrative decisions can be challenged by way of judicial review. Such recourse shall be made within seventy-five days from the day the decision was published or, in the case of an omission, when that omission came to the knowledge of the person filing the recourse. This is a strict time limit. It cannot be extended but in exceptional cases. Reasons of force majeure, constitute good and sufficient reason for the time limitation to be extended. S. 13 of Administrative Court's Law 2015, introduces a second strict time limit of 42-day period, for exercising the right to appeal the first instance judgment, to the Supreme Court. In addition, only persons adversely affected by the decision or the omission prescribed in Art 146.1. of the Constitution are legitimised to file a judicial review claim. A person seeking judicial review must have an existing legitimate interest and be adversely and directly affected by the decision or omission. No *actio popularis* is available in Cyprus. Additionally, Art 146.1 of Const. postulates in terms the justiciability. Only acts, decisions or omissions of administrative authorities emanating from the exercise of powers in the public domain are amenable to judicial review under Art 146.1. The General Principles of Administrative Law, Law of 1999 safeguards the principles of administrative justice. Public authorities are, *inter alia*, duty-bound to duly justify their decisions. Detailed records must be kept. Extent and details given may vary depending on the subject-matter (s 26 of the Law). Furthermore, equality before the Administration and equal treatment is assured by Art 28 of the Constitution as a fundamental right of the individual. Administration is duty bound to act in accordance with the Constitution more so its provisions guaranteeing human rights, the efficient application of which is the paramount duty of every public authority (Article 35 of the Constitution). Likewise, s 38 of the General Principles of Administrative Law 1999 enshrines the principle of equality. The Administration must treat similar cases alike. As judicially acknowledged, homogenous subjects or objects of the law must be likewise treated and heterogeneous subjects or objects of the law must be differently treated. The right to equality legitimises a person to seek judicial review of administrative action in virtue of the interest to be likewise treated as any other individual in the same position.

Implementation by the public administration and State institutions of final court decisions

3000 character(s) maximum

Judgments issued are final and will acquire the force of res judicata. Article 146.5 of the Constitution and sections 57 and 58 of the General Principles of Administrative Law, Law of 1999 impose an obligation on public bodies to give effect to judgments delivered under Article 146 of the Constitution (judicial review). By virtue of the provisions of section 59(1) of the General Principles of Administrative Law Act of 1999, a decision of the Court annulling an administrative act/decision operates erga omnes -binds all. More specifically, a decision of the Administrative Court, or if an appeal has been filed the decision on the appeal, applies erga omnes; binds both the applicant and the administrative body. The administrative body, however, is duty-bound with an extra obligation; to give effect to the court's decision (active compliance), i.e., to eradicate the decision and remove its effects with a view to restore the status quo ante as well as to re-examine its decision bound by the judgment's ratio. By virtue of section 59(2) of the General Principles of Administrative Law, Act of 1999 Administrative Authorities are bound by the order of the Court as well as the dictum of the judgment in relation to the legal and factual findings. The administration is duty-bound to give effect to the decision of the Court, correctly and timely.

On the other hand, a decision confirming an act/decision of the Administration operates in personam, binds the applicant only, rendering the subject matter res judicata between the pursuer and the Administration. By virtue of Article 146.5A of the Constitution, both the Administrative Court and the Supreme Court are empowered to assess whether effect has been given to their decisions and if not, impose sanctions accordingly, in so far as statute law prescribes. Until now, no statute has been enacted to regulate the aforementioned constitutional provision. In practice, judgments against administrative bodies are always complied with.

Also, parties to the proceedings and third parties disobeying a judgment of the Supreme Court are exposed to punishment for contempt of court, a sanction provided for by Article 150 of the Constitution.

The enabling framework for civil society

Measures regarding the framework for civil society organisations (e.g. access to funding, registration rules, measures capable of affecting the public perception of civil society organisations, etc.)

3000 character(s) maximum

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, etc.)

3000 character(s) maximum

Other – please specify

3000 character(s) maximum

Contact

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