

TARGETED STAKEHOLDER CONSULTATION 2023 RULE OF LAW REPORT

UN HUMAN RIGHTS REGIONAL OFFICE FOR EUROPE (OHCHR)

CYPRUS REVIEW

I. Justice system

B. Quality of justice

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

In its 2022 concluding observations, the Committee on the Rights of the Child expressed concern at the lack of legal representation for unaccompanied and separated children throughout the asylum procedure and the delays in processing their claims for international protection and family reunification, with the best interests of the child rarely being taken into account. The Committee recommended the Republic of Cyprus, should ensure that separated and unaccompanied children benefit from representation by competent lawyers throughout asylum procedures, reduce delays in processing asylum claims and family reunification and ensure that the best interests of the child are a primary consideration in all decisions relating to asylum-seeking children, including by introducing a formal best interests determination procedure ([CRC/C/CYP/CO/5-6](#), paras 37–38).

Resources of the judiciary (human/financial/material)

In its 2022 concluding observations, the Committee on the Rights of the Child expressed concern at the low rates of intervention, investigation, prosecution and conviction in cases of violence against children and at the insufficient professional capacity and lack of a multidisciplinary and child-sensitive approach to the provision of support to children who are victims of all forms of violence, including in the context of criminal proceedings. The Committee recommended the Republic of Cyprus to (1) ensure and promote the mandatory reporting of cases of violence against children, in particular through legislative amendments, intensified awareness-raising about its forms and negative impacts among children, parents and professionals working with children, accessible, confidential and child-friendly helplines for children and effective access to legal aid; (2) ensure that all cases of violence against children are promptly investigated, applying a child-friendly and multisectoral approach in the Children's House, and ensure that audiovisual recordings are made of children's testimonies without delay and allowed as evidence-in-chief during court proceedings, followed by child-sensitive cross examination; (3) ensure that perpetrators are prosecuted, duly sanctioned and deterred from having contact with children and that reparations are provided to victims, as appropriate; (4) ensure that all cases of violence against children are addressed through a multidisciplinary approach and cooperation between relevant services, allocate adequate resources and strengthen the professional capacity to provide child-friendly, coordinated and comprehensive victim identification, needs assessment and support, including trauma-focused therapy, improve case-management and reduce processing times and strengthen the role of family advisers in protecting children against all forms of violence and abuse; (5)

ensure, including by reviewing the Criminal Procedures Law and the Law on Legal Aid, that the rights of children who are victims are respected in the context of criminal proceedings, including the right to access to information, the right to have their views heard and the right to legal assistance and other necessary support, such as psychological support, translation and interpretation; (6) provide regular training for judges, lawyers, prosecutors, the police and other relevant professional groups on standardized, gender-sensitive and child-sensitive procedures for dealing with children who are victims; and (6) reinforce the legal basis for the operation of the Children's House with the aim of defining its services, including in the context of pretrial judicial procedures, the collaboration of the partner agencies and the monitoring of its activities ([CRC/C/CYP/CO/5-6](#), paras 23–24).

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

In its 2022 concluding observations and in relation to the sale, trafficking and abduction of children, the UN Committee on the Rights of the Child recommended that the Republic of Cyprus ensure that victim and witness protection provisions are implemented and that prosecutions are victim-centered, child-friendly and gender-sensitive and provide training to judges, prosecutors and law-enforcement officials in that regard. The Committee also recommended that the Republic of Cyprus ensure that all relevant professionals receive mandatory training on the rights of the child and the rights of children requiring special protection, including children with disabilities, asylum-seeking, refugee and migrant children and children who are victims of crime. The Committee also expressed concern at the insufficient professional capacity and lack of a multidisciplinary and child-sensitive approach to the provision of support to children who are victims of all forms of violence, including in the context of criminal proceedings. In this regard, the Committee recommended that the Republic of Cyprus provide regular training for judges, lawyers, prosecutors, the police and other relevant professional groups on standardized, gender-sensitive and child-sensitive procedures for dealing with children who are victims. ([CRC/C/CYP/CO/5-6](#), paras 13(b), 23(c), 24(h), and 39).

Other – please specify

Non-discrimination - in its 2022 concluding observations, the Committee on the Rights of the Child recommended that the Republic of Cyprus ensure that all cases of discrimination against children are investigated and prosecuted and that perpetrators, including teachers, are held accountable ([CRC/C/CYP/CO/5-6](#), para. 17).

Best interest of the child, respect for the child's view and administration of child justice - in its 2022 concluding observations, the UN Committee on the Rights of the Child recommended that the Republic of Cyprus (1) ensure that the right of the child to have his or her best interests taken as a primary consideration is appropriately integrated into, and consistently interpreted and applied in, all legislative, administrative and judicial proceedings and decisions, including in relation to asylum, as well as in all policies, programmes and projects that are relevant to, and have an impact on, children; and (2) develop procedures and criteria

to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration. Moreover, the Committee expressed concern at the insufficient recognition of children as subjects of rights and that the views of children are rarely heard, in particular regarding migration and education matters. To this end, the Committee recommended the Republic of Cyprus to abolish any age limit on the right of children to express their views and ensure that the right of the child to be heard in relevant legal proceedings, including those on asylum, is enshrined in legislation and effectively implemented, in particular by establishing systems and/or procedures for courts and professionals working with and for children to comply with the principle and by building their capacity to use such systems and procedures ([CRC/C/CYP/CO/5-6](#), paras 19–20).

The administration of child justice - in its 2022 concluding observations, the UN Committee on the Rights of the Child welcomed the adoption of the Law on Children in Conflict with the Law, in 2021, and urged the Republic of Cyprus to implement the law establishing a child justice system, including specialized child court facilities and procedures with adequate human, technical and financial resources, and designate and train specialized judges for the child justice system; adopt a prevention approach in dealing with children in conflict with the law; ensure that detention is used as a measure of last resort and for the shortest possible period of time and is reviewed on a regular basis, with a view to its withdrawal, and that children are not detained together with adults; promote diversion, mediation and counselling for children accused of criminal offences and, wherever possible, the use of non-custodial sentences, such as probation or community service; and ensure that children are not subject to the adult justice system ([CRC/C/CYP/CO/5-6](#), para. 40).

IV. Other institutional issues related to checks and balances

B. 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 institutions¹

In its 2022 concluding observations, the UN Committee on the Rights of the Child welcomed the appointment in 2019 of the Commissioner for the Protection of the Rights of the Child and the Law Commissioner, and the creation of four posts and a separate budget line for the Commissioner for the Protection of Children's Rights. The Committee also recommended Republic of Cyprus to ensure the independence of the Office of the Commissioner for the Protection of the Rights of the Child and the Office of the Law Commissioner, in full compliance with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including regarding their funding, mandate and immunities; and ensure that the Office has adequate human, financial and technical resources and the authority and mechanisms necessary to monitor children's

¹ Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>

rights, process complaints and enforce decisions ([CRC/C/CYP/CO/5-6](#), para. 12).

C. Accessibility and judicial review of administrative decisions

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

In its official report on its country visit to Cyprus in April 2022, the UN Working Group on Enforced or Involuntary Disappearances recommended the country to enforce all relevant judgments of the European Court of Human Rights concerning disappeared persons in Cyprus, including by implementing general measures stemming from the judgments ([A/HRC/51/31/ADD.1](#), para. 76).

D. The enabling framework for civil society

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)

In its 2022 concluding observations, the Committee on the UN Rights of the Child welcomed the support provided by the Republic of Cyprus to civil society, including the grants-in-aid scheme, and recommended that all children's groups and non-governmental organizations working for children, including children with disabilities and asylum-seeking, refugee and migrant children, are systematically involved in the development, implementation, monitoring and evaluation of laws, policies and programmes related to children and in the preparation of reports under the Convention on the Rights of the Child ([CRC/C/CYP/CO/5-6](#), para. 14).

E. Initiatives to foster a rule of law culture

Other – please specify

Enforced disappearances - in its official report on its country visit to Cyprus in April 2022, the UN Working Group on Enforced or Involuntary Disappearances concluded that the continued division on the island has an impact on the promotion and protection of human rights in general, including on the right to truth, justice, reparations and memory of the relatives of those disappeared after the events of 1963–1964 and 1974. The Working Group found it essential to depoliticize the issue of disappeared persons in Cyprus and treat it as a human rights and humanitarian issue and noted with concern that there has been no progress in the country in relation to criminal investigations and prosecutions for human rights violations resulting in individuals going missing, including possible enforced disappearances. The Working Group observed that there is little emphasis on the issue of accountability in Cyprus. Among other things, the Working Group recommended Cyprus to codify enforced disappearance as an autonomous crime in the Penal Code, punishable by appropriate penalties that take into account its extreme seriousness, and to ratify the International Convention for the Protection of All Persons from Enforced Disappearance as soon as possible, with the express recognition of the competence of the Committee on Enforced Disappearances pursuant to articles 31 and 32 of the Convention.

In addition, the UN Working Group recommended Cyprus to ensure that the authorities in charge of investigations related to enforced disappearances have access to all relevant information, and that all the information gathered in the search process, including possible criminal evidence, is collected, investigated and preserved for possible disclosure and use at a later stage; and to prohibit amnesties and other measures that may be aimed at avoiding or indirectly hindering the obligation to investigate, prosecute and punish the perpetrators of enforced disappearances ([A/HRC/51/31/ADD.1](#)).