

NATIONAL REPORT



**Victims of Crime
Implementation Analysis
of Rights in Europe**



VOCIARE
Victims of Crime
Implementation Analysis
of Rights in Europe

promotor



**Victim Support
Europe**

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APAV
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DISCLAIMER

All views expressed in the present report are those of the authors and not of the European Commission.

Most findings of the report are based on the research conducted by national researchers, between June 2018 and March 2019, and any inaccuracies in the interpretation of national results lays with the authors of the present report only. Additional support research, in particular regarding international experiences, was conducted by the authors of the present report.

The findings compiled in the present report represent, to the best of authors' abilities, the current situation of the practical implementation of the EU Victims' Rights Directive. Given its scope and ambition, authors are aware that some elements may be inaccurate or out of date. However, it was still important to offer the first overall picture, even if incomplete, of the practical implementation of the Directive, to inform future work of Victim Support Europe, its members and the policy initiatives at the EU and national level. Future efforts will be plan to improve the findings and provide a more detailed analysis of key rights defined in the Directive.

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EXECUTIVE SUMMARY

This national report was created in the context of the EU-funded project 'VOCIARE - Victims of Crime Implementation Analysis of Rights in Europe', and aims in assessing the implementation of the Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime (the Victims' Directive) in Cyprus.

Cyprus' legal system is based mostly on the common law. A victim of a crime is considered a person who has suffered harm (e.g. physical harm, property damage or loss, etc.) as a result of a criminal offence. The victims' role in criminal proceedings is usually participative (as witnesses), while several laws have been put in force to protect and support victims of crime over the recent years. Law 51(I) was enacted in April 2016 transposing the Victims' Directive into the national legislative framework. Even though there is yet no official evidence of the extent of the Law's implementation, the research conducted as part of this project presents an initial evaluation of the practical implementation of the relevant provisions for the protection and support of victims of crime, and their involvement in the criminal procedures.

Victims' rights are implemented more or less throughout the criminal proceedings. A **generic definition of the 'victim'** is provided in Article 2 of Law 51(I)/2016, which incorporated the definition of the 'victim' as defined in the Victims' Directive, including the definition of 'family members' and of the 'child'.

In regard to the **victims' right to communication**, usually the victims' communication needs are identified during the interview process and efforts are made in order to enable victims to understand and be understood from the first contact and during any further interaction they have with competent authorities in the context of criminal proceedings. Some issues are raised regarding the translation of some documents and the availability of interpretations, while there is some criticism regarding the quality and the appropriate selection of interpreters. In any case, victims receive necessary information about their rights upon their first contact with the competent authority depending on their role in the proceedings. A booklet under the title 'Crime Victims. Rights, Support and Protection of Victims' has been published by the Cyprus Police and is used to inform the victims about their rights. Moreover, victims are entitled the right to receive a written acknowledgement of their formal complaint, as well as the right to request to be informed about the progress of their case. However, it is unknown how this information is communicated to the victim in order for them to benefit from their rights, as well as who contacts the victims after they have requested to be notified.

Victims' right to **access victim support services and receive support** services is of great importance. The Social Welfare Services seem to have undertaken the role of a generalist victim support service, following the enactment of Law 51(I)/2016. Even though Social Welfare Services are not entitled as the national generic victim support service: according to the Law, after the complaint of the victim, every service or non-governmental organisation involved may inform the Social Welfare Services which shall ensure for the provision of free and confidential victim support services to victims and potential victims of crime, in accordance with the person's needs, before, during and for an appropriate time after criminal proceedings, including services provided by non-governmental organisations, which may provide specialist support. In practice, some challenges are raised since there was no generic national victim support service in Cyprus prior Law 51(I)/2016. The Social Welfare Services seem to be overloaded with tasks which may result in poor quality of services, while there are some accessibility obstacles for victims that reside in rural areas and there may be difficulties when making the appropriate referral for a victim.

Victim support services in Cyprus are ensured by both the State and NGOs. At State level, the Social Welfare Services and the Police provide victim assistance services and refer victims to specialised support services if needed. Special attention is given in the case where the victim is a student or a minor. Moreover, the Social Welfare Services are the competent authority for the supervision of the shelters and other appropriate accommodation services for victims. Additionally, general and specialised help- and support-lines operate nationwide. Non-profit, non-governmental organisations, such as the Association for the Prevention and Handling of Violence in the Family (APHVF), the Cyprus Family Planning Association, and the Hope for Children CRC Policy Center, provide a wide range of information and support regarding legal, psychological and social issues in accordance with the victims' needs and the crime suffered.

Regarding the **victims' right to participation in criminal proceedings**, article 12 of Law 51(I)/2016 safeguards the rights of the victims to participate as witnesses and provide evidence for their case. The evidence provided by a victim is treated in accordance with the criminal procedure rules and the rules of the Evidence Law of the Republic (Cap. 9). Especially in the case of child victims, the age and maturity of a child victim is always taken into account. The victim has the right to ask for a review of their case as well as add further evidence or facts. Yet no mechanism of review of the Attorney General decision not to prosecute is provided in Cyprus. Special provisions are also available in case that the victim resident in another Member State, ensuring that the victims retain their right to participate in criminal proceedings and provide evidence about their case, as well as have access to compensation.

The Legal Aid Law (165(I)) safeguards the **victims' right to legal aid** which is provided under conditions, such as the applicant's financial situation, the interests of justice taking into account the importance of the case and other relevant circumstances. Legal aid is available in both civil and criminal proceedings for specific violations of human rights. Moreover, the victims' right to

reimbursement of expenses is also provided under Article 13 of Law 51(I)/2016.

In terms of **victims' restitution**, this is usually achieved through the victims' legal right to compensation, as this is safeguarded under Law 51(I)/1997 on the Compensation for Victims of Violent Crimes, and other laws that exist for specific groups of victims, as well as Article 15 of Law 51(I)/2016. In practice, compensation from the offender may take the form of 'punitive compensation' which may consist part of the criminal process. If the victim wishes to claim civil compensation, procedures are initiated at the civil court where the victim will claim compensation both from the offender and the Republic. Restorative practices (e.g. victim – offender mediation, sentencing circles, family group conferencing) or other restorative justice services are not implemented in criminal cases, while it seems that there are no intentions to introduce such measures in the future.

The **victims' right to protection** is also safeguarded by Articles 17- of Law 51(I)/2016. Protection orders and other protection measures are available. There are separate areas in order for the victim not to meet with the defendant and there is a special seating reserved for victims at trial. Also according to the Protection of Witnesses Law (95(I)/2001), among others, the trial may be conducted behind closed doors, the deposition of the witness can be taken in such a way that the accused and the victim are not in direct contact (placing of a special partition or use of closed television circuit or of any other electronic means), escort of the victim witness to the court by a patrol car and by a police officer. Yet in practice, it was reported that adequate protection is not provided to the victims and their families to protect them from intimidation or retaliation, and consequently, there is an increased risk of emotional or psychological harm. Measures are also taken for the protection of victims during criminal investigations. Daily practice in police stations usually foresees for a statement to be received from the victim immediately or soon after the complaint is made by the victim and the Police and other authorities are obliged to inform the victim about the course of the proceedings. Interviews and medical examinations are kept to a minimum and the goal is to avoid repetitive examinations and interviews by several individuals. This also applies to child victims, where specially trained professionals are involved. Efforts are made for the protection of victims' privacy and data protection.

Under Law 51(I)/2016, the Police shall proceed with a timely **individual assessment** of the victim, with the close involvement of the victim taking into account his/her wishes, aiming in identifying the victim's specific protection needs and the extent that special protection measures will be provided in the course of criminal proceedings. In practical terms, the implementation of this right is still in a very initial phase, as a protocol and a template assessment tool are currently developed for the individual assessment of victims' needs. Following the individual assessment, the victim with specific protection needs benefits from special measures identified as a result of the assessment. Such measures include protection orders, video-recording of statements, hearing taking place behind closed doors, interviews by the same trained professional, etc.

Specifically, in the case of child victims, the Law pays particular attention in the interest and protection of the minor. The interviews with child victims are always audiovisually recorded, while a special representative by the competent authorities is always appointed if there is a conflict of interest and/or the holders of parental responsibility are precluded from representing a child victim. Moreover, the child victim is usually granted the right to legal advice and representation, in his or her own name, when there may be a conflict of interest between the child victim and the holders of parental responsibility. The Children's House has been created based on the Barnahus model, offering multidisciplinary and interagency co-operation and one-stop-shop services to child victims of sexual abuse and exploitation. Other provisions which ensure the protection of child victims during the criminal proceeding include the issuing of interim restraining order prohibiting the offender from approaching the victim, or court order for the removal of a minor and his/her placement under the care of the Social Welfare Services.

Strategic plans and **interdepartmental procedures** are applied to enhance the support and protection of the victims' rights and provide effective services to victims of violence, while in many cases cross-sector cooperation is necessary for the holistic protection and support of the victims. Moreover, a range of general and specialised training opportunities for professionals has been noted. Yet as all professionals themselves acknowledge, the training regarding the needs of victims offered thus far is neither sufficient nor insufficient, especially for judges.

Overall, victims' rights are respected in Cyprus. Yet, there are **still many gaps and challenges** that were addressed in the report. These gaps and challenges involve both functional and substantial deficiencies and barriers which prevent an integrated and holistic implementation of the victims' rights. In sum, the main gaps and challenges which were identified are the lack of adequate training of the professionals, the lack of professionals (especially of translators), the work and case overload in all competent authorities, the reduced geographical coverage of victim support services, the lack of research and statistics, and the absence of restorative practices. Such burdens affect the quality of services provided to victims and may reduce the victims' satisfaction and trust to the Criminal Justice System.

Nevertheless, **a range of good practices** were also presented in the report. It includes the design and implementation of action plans, national strategies, manuals for professionals, codes of practices, the development of coordinating (interdepartmental) committees, the generalised application of practices, and the constant efforts for improvement. Such good practices should be broadened in all sectors for the protection and support of victims, gradually leading to the establishment of a culture of respect of the victims' rights.

INTRODUCTION

Cyprus was declared as an independent republic (The Republic of Cyprus) in 1960. Up until then, Cyprus was a British colony and its legal system was based on the English legal system. After the independence, the principles of common law and equity remain sources of law in cases in which there is no other legislative provision, while many laws enacted for the colony are still in force today. The Republic of Cyprus became full member of the European Union in 2004, which has resulted in the amendment of Constitution under Law 127(I)/2006 on the Fifth Amendment of the Constitution. The Law indicates the supremacy of EU law over the Constitution. Also, the Republic of Cyprus harmonises its national legislation with EU Directives and Regulations by amending national law and enacting legislative acts. Formal laws are passed by the House of Representatives, which exercises legislative power. Moreover, Regulatory acts and judgments of the Supreme Court are also considered as a source of law.

The Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime was transposed in Cyprus as national legislation under Law N° 51(I) in April 2016. The present report aims at assessing the practical implementation of the Victims' Directive in the Republic of Cyprus. The report was created in the context of the EU-funded project 'VOCIARE - Victims of Crime Implementation Analysis of Rights in Europe', and includes information and an overview with regards to the existing legal framework and the practices which are put in place for the protection and support of victims of crime in Cyprus, and for their involvement in criminal proceedings. The research was initiated with a legislative analysis and a mapping of competent authorities and organisations.

The report is based on data collected using three research methods: a) desk research, b) an online survey, and c) interviews. The desk research included the collection and overview of legal and policy documents, literature and existing studies, and other sources which are related to victims' rights and the implementation of the Victims' Directive in Cyprus. The non-for-profit database CyLaw was the main source of legislative texts and documents as published in the Official Gazette of the Republic of Cyprus.

The online survey included closed-ended questions and was used to collect quantitative data assessing the key-practitioners views and experience in regard to the practical implementation of the victims' rights. Over 40 professionals working at public agencies and NGOs coming in contact with crime victims were invited to participate and approximately half of them responded to the survey. Finally, using an interview guide, we conducted 5 interviews with key-stakeholders aiming in obtaining information which were not found in the literature or were not provided via the online survey.

The structure of the particular report is based on the guidelines provided by the coordination team (VSE and APAV). The report includes the following main sections: The first section which provides a basic overview of the national legal framework and the transposition of the Victims' Directive, and the role of the victim in criminal proceedings in Cyprus. The second and longer section of the report includes an evaluation of the practical implementation of the Victims' Directive and explains the extent and how each article of the Directive has been transposed into the national law and practically implemented. The final section of the report presents a collection of good practices which have been implemented in Cyprus, as well as the gaps and challenges that resulted from the enactment of the national law on the victims' rights. A list of recommendations is also provided, aiming at facilitating a more effective and comprehensive implementation of the victims' rights in Cyprus.

It is important to note that due to the Turkish invasion in Cyprus in 1974, the northern area of Cyprus is administered by Turkish Cypriots. In 1983, the Turkish Cypriots proclaimed the area the independent "Turkish Republic of Northern Cyprus" ("TRNC"). The "TRNC" is not recognised internationally by any other country except Turkey. To this end, this report includes information and data only for the official state in Cyprus, the Republic of Cyprus.

BASIC OVERVIEW OF THE LEGAL FRAMEWORK

As described by the Law Office of the Republic of Cyprus and the European e-Justice portal, the Criminal Procedure Law (Cap 155) describes matters of criminal proceedings in Cyprus. Briefly, criminal proceedings are initiated by the Police, which operates under the instructions of the Attorney-General, and is responsible for the investigation of the crime. During the investigation, the Police collects evidence and may question a person suspected of involvement in a crime and other witnesses. As soon as the investigation is completed, the case is referred to the Attorney-General of the Republic who takes the decision to prosecute if sufficient and incriminating evidence emerges against a suspected perpetrator. In this case, the Attorney-General will refer the case to court for trial. Overall, according to the Constitution, the Attorney-General has the power to initiate, conduct, take over and continue or discontinue any (criminal) proceedings, or order the prosecution against any person in the Republic for any offence. Criminal cases can be tried by the District Courts and the Assize Court, which operate in every province of the Republic of Cyprus (Nicosia, Limassol, Paphos, Larnaca, free Famagusta area - Paralimni), as well as the Supreme Court of Cyprus in its appellate jurisdiction. Depending on the cases' gravity, the District Courts have criminal jurisdiction to hear and determine criminal cases of all kinds of less serious offences; while the Assize Court has unlimited criminal jurisdiction and determine any criminal case, even though in practice only serious offences are brought before this Court. Trials by jury do not take place in Cyprus.

With regard to the role of the victims in criminal proceedings, the victims may be requested to participate actively in criminal proceedings as witnesses, while they retain their right to sue for compensation in civil proceedings where they take the role of a plaintiff. In any case, victims' role in reporting a crime to the Police is essential. A victim of a crime is considered a person who has suffered harm (e.g. physical harm, property damage or loss, etc.) as a result of a criminal offence according to national law.

The Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime (hereinafter the Victims' Directive) was transposed in Cyprus as national legislation under Law N° 51(I) in April 2016 (hereinafter Law 51(I)/2016); months after the transposition deadline (November 2015). The method of transposing the Directive was made by creating and passing a single law, which was discussed in six meetings of the Parliamentary Committee on Legal Affairs from October 2015 to February 2016. Overall, Law 51(I)/2016 consists of 25 articles and follows more or less the same structure as the Victims' Directive,

divided into four thematic Chapters: Interpretation and Scope; Provision of Information and Support; Participation in Criminal Proceedings; Protection of Victims and Recognition of Victims with Specific Protection Needs. Of the total of 26 main articles which are included in the Victims' Directive, articles 11 (Rights in the event of a decision not to prosecute), 12 (Right to safeguards in the context of restorative justice services), 13 (Right to legal aid), and 26 (Cooperation and coordination of services) were not transposed in the national law¹. However, as it will be shown in more detail in the following chapters, other legal provisions and official documents may be considered to incorporate and put in force some of these rights. Moreover, other national laws (e.g. Law N° 60(I) of 2014; Law N° 91(I) of 2014; Law N° 14(III) of 2017) which have transported other EU Directives and Conventions (e.g. Council of Europe Convention on preventing and combating violence against women and domestic violence, Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, Directive 2011/92/EU on combating the sexual abuse and sexual exploitation of children and child pornography) reinforce the implementation of the Victims' Directive.

Generally, there is no official evidence of the extent of the Law's implementation. In general, the Law does not foresee any practical provisions for the implementation of the Directive; moreover, it does not contain a specific provision to ensure financial support for the implementation of the Law provisions².

Indeed, a review of the Government's budget shows that there is no specific allocation of money on matters of victims' rights. However, the Grants in Aid Scheme, – the scheme of state funding for the social welfare system, finances programmes for the support of vulnerable groups, including victims of violence. The Grants in Aid Scheme for 2018 includes, among other forms of services, the funding of shelters for victims of violence, the funding for the operation of a Multidisciplinary Centre for the Support of Victims of Violence, as well as the funding for multidisciplinary support services for handling cases of sexual abuse and trafficking of children³. These funding schemes have been put in place in order to implement the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) which was ratified in Cyprus under Law N° 14(III) of 2017; as well as the implementation of Law N° 91(I) of 2014. Moreover, according to article 26 of Law 119(I)/2000 and 212(I)/2004 on Violence in the Family, "Fund for the Victims of Violence" was established and is managed by the Advisory Committee for the Prevention and Handling of Violence in the Family; while Law N° 91(I) of 2014 (art. 46) established the "Fund for the Support of child victims of sexual exploitation and abuse". These funds were established for the purposes of achieving the objectives of the respective laws.

¹ The Parliamentary Committees meetings' minutes remain confidential, and only the final reports on the discussed issues are published. To this end, it was not possible to identify the reasons why these articles have not been transposed into national law.

² Cyprus Center for European and International Affairs (2016). National Report Practices – Cyprus. Project 'Developing Directive – compatible practices for the identification, assessment and referral of victims', Co-funded by the Justice Programme of the European Union. Retrieved from: http://victimspractices.eu/wp-content/uploads/2018/03/5.7-National-Report_CY.pdf

³ Ministry of Labour, Welfare and Social Insurance (2018). Plan for Grants in Aid Scheme for 2018 (Σχέδιο Κρατικών Ενισχύσεων Ήσσονος Σημασίας 2018). Retrieved from: <http://www.mlsi.gov.cy/mlsi/mlsi.nsf/All/00C503C8B813740AC22580D1003E5381>

However, no sufficient data was found regarding the effective operation of these funds.

In any case, the Law 51(I)/2016 clearly states in its Article 4 that every service involved and non-governmental organisation shall treat victims with respect and sensitivity, based on the principle of non-discrimination, using a tailored and professional approach. Special consideration is given to the protection needs and support of child victims, persons with disabilities, victims of terrorism, victims of gender-based violence, and victims of violence in close relationships. Specifically, in the case of child victims, the Law pays particular attention to the interest protection of the minors, following the ratification of the Lanzarote Convention and its implementation as from June 1st 2015. Both the Laws on the Prevention and Combating of the Sexual Abuse and Sexual Exploitation of Children and Child Pornography (Law N° 91(I)/2014, art. 30(1)) and on domestic violence (Laws 119(I)/2000 and 212(I)/2004, art 35A) state that when a citizen, especially if he/she is an educationalist, welfare officer, lawyer, police officer, health professional, such as psychologist, psychiatrist or doctor, or any other professional working in relevant field of practice, omits to report cases of violence against a minor or a person with severe psycho-social disability, which came to his knowledge, shall commit an offence.

EVALUATION OF PRACTICAL IMPLEMENTATION

ARTICLE 2 - DEFINITIONS

For the purposes of the Directive a 'victim' is a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence or a family members (the spouse, the person who is living with the victim in a committed intimate relationship, in a joint household and on a stable and continuous basis, the relatives in direct line, the siblings and the dependants of the victim) of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person's death.

A general definition of the 'victim' is provided in Article 2 of Law 51(I)/2016, which incorporated the definition of the 'victim' as defined in the Victims' Directive, including the definition of 'family members' and of the 'child'. A definition on 'restorative justice' is not included in the national law, since article 12 (see relevant section below) was not transported into the national law. The status of the 'victim' is maintained "regardless of whether an offender is identified, apprehended prosecuted or convicted and regardless of the familial relationship between the said person and the offender" (Law 51(I)/2016 Art 2), while the Law "shall be applied without discrimination and independently of the status" of the victim's stay in the Republic (Law 51(I)/2016 Art 3). The Law does not, however, specify if the status of the victim is maintained regardless of whether the victim decides not to file a complaint or testify at court.

Only one generic definition of the 'victim' was found in the criminal legislation prior Law 51(I)/2016, while in practise victims are usually defined as 'complainants'⁴. Article 2 of Compensation for Victims of Violent Crimes Law 126(I)/2006 defines victim as a person who has suffered bodily

⁴ IVOR project – national factsheet for Cyprus, p.1. Retrieved from: https://www.apav.pt/ivor/images/ivor/PDFs/Fact_sheet_cyprus.pdf

injury or impairment of health. Other definitions of the 'victim' have been provided from time to time in the national legal framework in Cyprus; even though such definitions serve the purposes of each legal Act (e.g. Law 60(I) of 2014, Law 91(I) of 2014, Laws 119(I) and 212(I)). This means that particular groups of victims (e.g. victims of domestic violence, of trafficking, child victims, etc.) are treated based on measures and procedures as specified by respective laws⁵. For example, the Laws 119(I)/2000 and 212(I)/2004 on Domestic Violence (prevention and protection of victims) define 'violence' as "any act, omission or behaviour which causes physical, sexual or mental injury to any member of the family by another member of the family and includes violence used for the purpose of having sexual intercourse without the consent of the victim as well as of restricting its freedom" (art. 3); where 'family members' include the husband and wife (married or cohabiting), the parents of the couple, the children (natural or adopted, of either or both parents) of the couple, as well as any person residing with the abovementioned persons (art. 2). Similarly article 2 of Law 91(I)/2014 on Preventing and Combating the Sexual Abuse and Sexual Exploitation of Children and Child Pornography, defines 'violence' as "any act omission or behaviour which causes harm to the victim", where 'victim' means 'the child in respect of whom a procedure is initiated or is under way in relation to any of the offenses described in this Law', where a 'child' means "a natural person under the age of eighteen (18)".

Moreover, article 2 of Law 51(I)/2016 includes a list of other useful definitions, such as definition of 'gender-based violence', 'victim of terrorism', and 'violence in close relationships'. It is important to note that these definitions are in line with the Victims' Directive recitals 16, 17, and 18. However, even though many forms of gender-based violence are already criminalised in the penal code, such cases might not be defined as constituting gender-based violence in daily police and court practice⁶. This is due to the fact that this is the first time that a definition on gender-based violence is included in national legislation, while it is soon to ensure that relevant professionals have full understanding of the definition in practical terms.

As an interviewee⁷ commented, the broad definition of the 'victim' as defined in the Victims' Directive raises practical challenges for the practitioners in terms of workload and case management; suggesting that a definition of a 'certified victim' may benefit the procedures and the quality of services to those victims. Currently in Cyprus, only victims of trafficking are issued with a 'certificate of identification' for reflection by the Office of Combating Trafficking in Human beings of the Cyprus Police (art. 46 of Law 60(I)/2014). This certificate is provided to both EU nationals and third country nationals and can be used by the victims of trafficking to assess their rights. The certificate is valid for one month and may be renewed if needed. The reflection period is provided to the victim for recovery and, to allow him/her to receive detailed information on the available legal and social options and make an informed decision on whether he/she wishes

⁵ Ibid.

⁶ Cyprus Center for European and International Affairs (2016), op.cit., p. 6-7

⁷ Vociare interview no 1.

to cooperate with the prosecuting authorities during the criminal proceedings (art. 53 of Law 60(I)/2014)⁸. During this period, the victim is provided with appropriate support (e.g. medical, psychological, financial support). Yet the reflection period is not a precondition for the victim to access his/her rights as a victim⁹. At the end of the reflection period, the victim will have to decide whether he/she wishes to return to his/her country, remain in Cyprus for humanitarian or other reasons (following a risk assessment by the Police or other authorities/services), cooperate with the authorities and apply for compensation and other legal procedures, and/or apply for asylum.

Raising awareness of the services involved on the notions of 'victim' and 'victims' rights' is essential to ensure that the definitions are put in practice, and that all victims are entitled to their rights 'regardless of whether an offender is identified, apprehended, prosecuted or convicted'¹⁰.

ARTICLE 3 - RIGHT TO UNDERSTAND AND BE UNDERSTOOD

Member States shall take appropriate measures to assist victims to understand and to be understood from the first contact and during any further necessary interaction they have with a competent authority in the context of criminal proceedings. Communications with victims should be provided in simple and accessible language, orally or in writing. Such communications shall take into account the personal characteristics of the victim, including (but not limited to) any disability. Victims should, in principle, be allowed to be accompanied by a person of their choice in the first contact.

It is important for victims to understand and be understood within the context of the proceedings, from their first contact with the authorities until the end of the criminal proceedings. According to article 5 of Law 51(I)/2016 and the Cyprus' Police guide of victims' rights¹¹, the Cyprus Police is obliged to follow appropriate measures in order to help victims understand and be understood from the first contact and during any further interaction they have with an appropriate authority in the context of criminal proceedings but also to understand the information given by that authority.

Additionally, the authorities assess the communication needs and constraints of each individual victim including people with disabilities, migrants and minorities. As stated in the legislation mentioned above, the Police shall make sure that all communications with the victim are in simple and easy to understand language, oral or written, taking into consideration the individual characteristics of each victim, including any form of disability that may affect the victim's aptitude to understand or be understood. For instance, the Police shall ensure that the information provided, both in oral and written form, is accessible to people with disabilities and use Braille or sign language where necessary.

With respect to an accompanying person, the victim may be able to be accompanied by a

⁸ Multi-Disciplinary Coordinating Group for Combating Trafficking in Human Beings (Πολυθεματική Συντονιστική Ομάδα κατά της Εμπορίας Προσώπων) (2016), Guide for handling cases of human trafficking (Οδηγός για τον χειρισμό περιπτώσεων εμπορίας προσώπων). Cyprus: Press and Information office. Retrieved from: [http://www.moi.gov.cy/moi/moi.nsf/all/64DCA4CF2A4FFF8CC22581D3002CADC4/\\$file/%CE%9F%CE%94%CE%97%CE%93%CE%9F%CE%A3%20%CE%93%CE%99%CE%91%20%CE%A4%CE%9F%CE%9D%20%CE%A7%CE%95%CE%99%CE-%A1%CE%99%CE%A3%CE%9C%CE%9F%20%CE%A0%CE%95%CE%A1%CE%99%CE%A0%CE%A4%CE%A9%CE%A3%CE%95%CE%A9%CE%9D%20%CE%95%CE%9C%CE%A0%CE%9F%CE%A1%CE%99%CE%91%CE%A3%20%CE%A0%CE%A1%CE%9F%CE%A3%CE%A9%CE%A0%CE%A9%CE%9D-%CE%95%CE%9C%CE%91.PDF?openelement](http://www.moi.gov.cy/moi/moi.nsf/all/64DCA4CF2A4FFF8CC22581D3002CADC4/$file/%CE%9F%CE%94%CE%97%CE%93%CE%9F%CE%A3%20%CE%93%CE%99%CE%91%20%CE%A4%CE%9F%CE%9D%20%CE%A7%CE%95%CE%99%CE-%A1%CE%99%CE%A3%CE%9C%CE%9F%20%CE%A0%CE%95%CE%A1%CE%99%CE%A0%CE%A4%CE%A9%CE%A3%CE%95%CE%A9%CE%9D%20%CE%95%CE%9C%CE%A0%CE%9F%CE%A1%CE%99%CE%91%CE%A3%20%CE%A0%CE%A1%CE%9F%CE%A3%CE%A9%CE%A0%CE%A9%CE%9D-%CE%95%CE%9C%CE%91.PDF?openelement), pp. 18-20.

⁹ According to article 47 of Law 60(I)/2014, the victim has the right to physical, psychological and social rehabilitation, regardless of his/her nationality and whether he/she possesses his/her identity documents, provided that he/she does not have sufficient resources. The victim's privacy and personal data are protected under Processing of Personal Data Law.

¹⁰ European Commission, DG Justice (2013), DG Justice Guidance document related to the transposition and implementation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/ JHA, Ares (2013)3763804, Brussels, 19 December 2013. Retrieved from: <https://e-justice.europa.eu/fileDownload.do?id=05758a3a-9e2e-49a5-a7ec-3737c3ad6876>, p. 11

¹¹ Cyprus Police (Αστυνομία Κύπρου) (2017). Victims of Crime: Rights, Support and Protection of Victims (Θύματα Εγκληματικότητας: Δικαιώματα, Υποστήριξη και Προστασία Θυμάτων). Cyprus: Cyprus Police. Retrieved from: [http://www.police.gov.cy/police/police.nsf/All/C0D1A91BDAACCE7C225813A00232765/\\$file/thimata_eglimatikotitas.pdf?OpenElement](http://www.police.gov.cy/police/police.nsf/All/C0D1A91BDAACCE7C225813A00232765/$file/thimata_eglimatikotitas.pdf?OpenElement)

person of her/his choice, during the first contact with the Police. They may be accompanied in cases where due to the impact of the criminal offence the victim may need assistance in order to understand or be understood, except if this is contradictory to the interests of the victim or unless the proceedings would be prejudiced. In addition, a person with a disability may be able to be accompanied by an individual of their choice throughout the investigation procedure.

According to some professionals, even though there are specific procedures and protocols regarding the victim's right to understand and be understood, in practice there are some issues regarding the translation of some documents; however, there are documents that are translated in other languages. Usually the victim's needs are identified during the interview process and efforts are made in order to cover those needs, especially when it comes to children and individuals with any form of disability (i.e. hearing impairment, intellectual disability). Also, in cases where the victim is accompanied by a person of their choice, they may assist authorities regarding the specific needs of the victim.

ARTICLE 4 - RIGHT TO RECEIVE INFORMATION FROM THE FIRST CONTACT WITH THE COMPETENT AUTHORITY

Member States shall ensure that victims are offered, without unnecessary delay, from their first contact with a competent authority, information about the type of support the victims can obtain and from whom; the procedures for making a formal complaint; how and under what conditions they can obtain protection, access legal advice and legal aid; access to compensation; entitlement to interpretation and translation; special measures if they are resident in another Member State; contact details for communications about their case; available restorative justice services; how and under what conditions expenses incurred as a result of their participation in the criminal proceedings can be reimbursed.

In Cyprus, Article 4 of the Victims' Directive was transposed in the national legislation under Article 6 of Law 51(I)/2016. Article 6 states that every service involved, as well as non-governmental organisations, "shall provide the victim, from his/her first contact with it, without unnecessary delay and in a language understood by the victim including Braille form or sign language", the following information: the type of support the victim can obtain and from whom; the procedures for making complaints with regard to a criminal offence and their role in such procedures; the manner and the conditions under which the victim can obtain protection, access compensation, entitle to interpretation and translation services; special measures if the victim resides in a Member State other than the Republic where the criminal offence was committed; the available procedures for making complaints where the rights of the victim are not respected by the service involved; the contact details for communication purposes about his/her case; and the manner and the conditions of expenses reimbursement as a result of his/her participation in the criminal proceedings. The extent or detail of information may vary depending on the specific needs and personal circumstances of the victim and the type or nature of the criminal offence; while every service involved may provide additional information at a later stage.

A definition of 'services involved' is provided in Art. 2 of Law 51(I)/2016: "services involved" means the Legal Service of the Republic, the Ministry of the Interior, and its relevant competent

services, the Police, the Ministry of Foreign Affairs and its relevant competent departments and its diplomatic missions, the Ministry of Labour, Welfare and Social Insurance and its relevant competent services, the Ministry of Health and its relevant competent services and the Ministry of Education and Culture and its relevant competent services". Moreover, the definition of 'Non-governmental organization' includes a non-profit organization in the sectors of protection and support of victims of crime.

There are no sufficient data of how and to what extent this article is put in practice. According to the VOCIARE online survey results, it was reported that victims receive partial information upon their first contact with the competent authority and depending on their role in the proceedings. Information is most often provided orally or in leaflets and brochures; other means (such as online information and videos) are rarely to never used. For example, Cyprus Police has published a booklet under the title 'Crime Victims¹². Rights, Support and Protection of Victims', which includes all the basic information, as specified by the Law, that should be provided upon the victim's first contact with the Police. The booklet has been translated in English, French, Arabic, and Russian¹³. However, the booklet was found available online only in Greek, while it is unknown whether it has been disseminated to every police station in Cyprus and whether police officers use it to inform victims in a sensitive manner and regardless if the victim chooses to report a crime or not. Furthermore, it remains unknown whether police officers provide additional individual information to victims or actually make referrals to victims' support services, based on each victim's personal characteristics and the nature of the crime. It is also unknown how police officers provide such information in an effective and sensitive manner to migrants who do not speak or understand Greek and to victims residing in another country, even though interpretation services are usually made available. In cases of asylum seekers, there is information material in some languages that is available in various services. Moreover, it seems unclear if there is a specific authority which should have the primary responsibility for ensuring the application of the provisions included in this article; and to what extent NGOs should be considered responsible to provide such information to victims¹⁴.

Developing appropriate procedures and internal practices for providing information to victims and providing guidance to all competent authorities on effective ways of communicating with victims will ensure the sustainability of providing information to victims in a sensitive and effective manner.

¹² Ibid.

¹³ Vociare interview no. 3.

¹⁴ Cyprus Center for European and International Affairs (2016), op.cit., p. 7.

ARTICLE 5 - RIGHTS OF VICTIM WHEN MAKING A COMPLAINT

Member States shall ensure that victims receive written acknowledgement of their formal complaint. Where they do not understand or speak the language of the competent authority, they should be enabled to make the complaint in a language that they understand or by receiving the necessary linguistic assistance. The acknowledgement should be translated free of charge where the victim doesn't speak the language.

When making a complaint, victims have the right to receive a written acknowledgement of their formal complaint. According to article 7 of the Law 51(I)/2016 and the Cyprus' Police guide of victims' rights (Cyprus Police, 2017) regarding the rights of victims in Cyprus, when a victim files a complaint the Police is obliged to provide the victim with a written acknowledgement of their formal complaint. The acknowledgement should state the basic elements regarding the criminal offence, however there is no information stating whether the contents of the acknowledgement are helpful.

It is also stated that where the victim wishes to make a complaint regarding a criminal offence and he/she is not able to understand or speak the official language of the Republic of Cyprus, he/she will be able to make the complaint in a language that they understand or receive the appropriate linguistic assistance they require. In cases where victims do not understand the official language of the Republic, upon their request they shall receive translation which will be free of charge, of the written acknowledgement of their complaint in a language that they can understand. In cases where victims have a visual disability, translation of the document in Braille form may be provided which will be free of charge.

Regarding this right, there are no statistics currently recorded in the Republic of Cyprus. In addition, there are no written documents clearly indicating that the victims are informed about this right when making a complaint to the Police. However, according to some professionals¹⁵, victims always receive a written acknowledgement of their formal complaint and in case the victim needs linguistic assistance a translator will explain the document and answer any queries

¹⁵ Vociare online survey results; Interview no. 4.

where the victim has any questions about their case. Even though efforts are being made to ensure translation, there are still issues with finding the appropriate translator which may be time consuming.

ARTICLE 6 - RIGHT TO RECEIVE INFORMATION ABOUT THEIR CASE

Member States shall ensure that victims are notified without unnecessary delay of their right to receive information related to criminal proceedings: any decision not to proceed with or to end an investigation or not to prosecute the offender; the time and place of the trial, and the nature of the charges against the offender; of any final judgement in a trial and of information about the state of the criminal proceedings, in accordance with their role in the criminal justice system; about the reason which led to the above mentioned decisions; notification in case the person remanded in custody, prosecuted or sentenced concerning the victim is released from or has escaped detention.

Article 8 of Law 51(l)/2016, transposing article 6 of the Victims' Directive, defines the Police as the competent authority to notify the victim of his/her right to receive, upon request, information about their case, including the reasons or a brief summary of the reasons for a decision taken about the progress of the criminal proceedings regarding their case. This information include:

"(a) Any reasoned decision not to proceed with or to end an investigation or not to prosecute the offender;

(b) the time and place of the trial, and the nature of the charges against the offender;

(c) any final judgment in a trial;

(d) information enabling the victim to know about the state of the criminal proceedings, unless in exceptional cases the proper handling of the case may be adversely affected by such notification, following a reasoned decision of the Attorney-General of the Republic."

Moreover, according to Art. 8 par. (3), victims are entitled the right to request to be informed about "the release or escape of a person remanded in custody, prosecuted or sentenced for a criminal offence relating to the victim", as well as "any relevant measures decided for the protection of the victim" in such cases. The Police is responsible to notify the victim without unnecessary delay

of his/her right to request these information, “at least in cases where there is a danger or an identified risk of harm to him/her, unless there is an identified risk of harm to the offender which would result from the notification of such information”.

The victim shall be informed about their right to receive information about their case without unnecessary delay. Indeed, the Police is obliged to inform the victim about the progress of the case within 15 days after the complaint is made¹⁶. In case of the offender’s escape, the victims may also request to be notified; while in cases of child sex offenders’ release there are specific procedures. Child victims and their guardians are always informed about the offender’s custody/sentence and in cooperation with the Police they are informed about the progress of the case¹⁷.

However, it is unknown how this information is communicated to the victim, as well as who contacts the victims after they have requested to be notified. In fact, concerns may be raised regarding the administrative capacity of the Police to inform all victims of their right to receive such information and kept updated about their case¹⁸. For example, even though the final judgement in a trial and its rationale is public and can be found in relevant (online) databases (e.g. CyLaw), it is not sufficient enough to ensure that victims actually receive the information as has been commented in the DG Justice Guidance document on the Victims’ Directive¹⁹. It is also unclear whether all competent authorities are aware of the victims’ right to be notified to receive these information about the criminal proceedings and to what extent these kind of notifications to the victims are provided in an efficient and coordinated manner.

Developing protocols and standard practices for all competent authorities, which will allow for the proper conduct of the criminal proceedings and take into account the interests of the victim, will create a coordinated and efficient framework for communicating these kind of sensitive information and ensure a balance between the safety and rights of the victim as well as of the offender²⁰.

16 Vociare interview no. 3. This obligation was introduced following a circular by the Chief of the Cyprus Police.
 17 Vociare interview no. 2.
 18 Cyprus Center for European and International Affairs (2016), op.cit., p. 7-8.
 19 European Commission, DG Justice (2013), op.cit., p. 18-20.
 20 Ibid

ARTICLE 7 - RIGHT TO INTERPRETATION AND TRANSLATION

Member States shall ensure that victims who do not understand or speak the language of the criminal proceedings are provided, upon request, with interpretation at least during any interviews or questioning and with translation of information essential to the exercise of their rights in criminal proceedings in accordance with their role. Victims may challenge a decision not to provide interpretation or translation.

The implementation of victims’ right to interpretation and translation is essential from the first contact with the Police until the end of the criminal proceedings. This right is included in the legislation of the Republic of Cyprus. The Law of Court Interpreting and Legal Translation No. 18(I)/2014 also applies in these cases. The interpretation services provided is free of charge.

Additionally, some non-legislative measures were introduced. The Chief of Police issued circulars to all police stations to instruct members of the police on the procedure for appointing interpreters when investigating cases involving foreign witnesses or suspects. The list of interpreters has also been posted on the police central portal, and the duties of the interpreter are now spelled out in a circular letter used during police investigations. The letter of rights was also introduced and is available in 19 languages²¹.

There were some criticisms regarding the quality and the appropriate selection of interpreters²². Also, it has been stated that no training is available for defence lawyers on working with interpreters, and lawyers find it difficult to determine when the quality of interpretation is poor, unless it is a language they understand. Interpreters are required to be licenced however it is not clear whether they have additional training. It is extremely difficult for a suspect or accused person to challenge the provision of poor quality interpretation, especially if he is poor and has no means to instruct a qualified defence lawyer. An interpreter will only be replaced if an objection

21 FRA (2017). Fundamental Rights Report. Luxembourg: Publications Office of the European Union. Retrieved from <http://fra.europa.eu/en/publication/2017/fundamental-rights-report-2017>
 22 Katschinka, L. (2014). The impact of Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings. In C. Falbo & M. Viezzi (a cura di), Traduzione e interpretazione per la società e le istituzioni (pp. 105-114). Trieste: EUT Edizioni Università di Trieste. Retrieved from: https://www.openstarts.units.it/bitstream/10077/9841/1/9_Katschinka.pdf

is raised by one of the parties to proceedings²³. However, efforts are being made in order to improve these disadvantages, through seminars and other activities.

The police or the investigator of the case who are in charge of investigating the offence at hand are also in charge of determining whether there is a need to provide interpretation. The investigator is either a police officer conducting an investigation in relation to the commission of a criminal offence, or any person appointed by the Council of Ministers or the Attorney General to conduct interviews in relation to the commission of any criminal offence. If no interpreter can be found for their mother tongue, efforts will be made to find an interpreter who speaks a language understood by the individual, other than their mother tongue.

In practice, the Court summons interpreters from a list which it compiles and maintains but if none of the interpreters listed there can interpret in the language spoken by the accused or suspected person, then the Court will contact the government's Press and Information office which maintains a larger database with all or most of the interpreters available in the country. A list of interpreters is maintained at the central police headquarters, accessible to all police officers through the police's portal. This database currently lists interpreters for 37 different languages, but if the police still cannot locate an interpreter to interpret in a language understood by the person, then they will contact either the government's Press and Information Office or the Courts in order to locate interpreters.

The same applies for defendants as they have the right to interpretation and translation during criminal proceedings. Also, according to the Attorney General's office, as far as the court procedure is concerned, the possibility for interpretation to be denied to an accused or suspect requesting for it is rare, as that would amount to a violation of the Constitution, which provides for the right to an interpreter, and to a breach of the right to a fair trial, foreseen in the Constitution and in a number of international instruments ratified by Cyprus, such as the ECHR²⁴. Thus both the suspect and the victim have the right to interpretation and translation.

As mentioned above, there is a number of translators hired in order to assist victims with oral and written translation during the proceedings. However, some organisations hire private translators who are trained for such cases. This occurs because there may be lack of translators in the public sector, there may be issues with the quality of the interpretation and translation and it may take time to find the appropriate translator thus there may be delays in the proceedings. Additionally, it has been reported that translators may benefit from more training in order to be able to assist victims with greater sensitivity as well as to avoid further victimisation. Also some issues may

²³ LEAP (2016). The Quality of Interpretation in Criminal Proceedings. Retrieved from <https://www.fairtrials.org/wp-content/uploads/2016/03/LEAP-Interpretation-Report-Mar2016.pdf>

²⁴ Trimikliniotis, N. (2015). The right to interpretation and translation and the right to information in criminal proceedings in the EU. Retrieved from <http://fra.europa.eu/en/country-data/2016/country-studies-project-right-interpretation-and-translation-and-right-information>

appear when it comes to written documents that may not be translated in the victim's language. In such cases, it was mentioned that an interpreter will translate the document orally and ensure that the victim understands its contents²⁵.

²⁵ Vociare interview no. 5.

ARTICLE 8 - RIGHT TO ACCESS VICTIM SUPPORT SERVICES

Member States shall ensure that victims have access to confidential victim support services, free of charge, before, during and for an appropriate time after criminal proceedings. Member States shall facilitate the referral of victims, by the competent authority that received the complaint to victim support services. Member States shall take measures to establish specialist support services in addition to, or as an integrated part of, general victim support services. Member States shall ensure that access to any victim support service is not dependent on a victim making a formal complaint with regard to a criminal offence to a competent authority.

This article is of great importance as victims may require access and assistance by victims supports services at the beginning, during or after criminal proceedings and in general. According to the Law, after the complaint of the victim, every governmental body or non-governmental organisation involved in providing services to public, may inform the Social Welfare Services (SWS), where they find it appropriate or have reasonable grounds to believe that any person may be a victim pursuant to the provisions of the current Law. The Social Welfare Service shall, in return, ensure for the provision of free and confidential victim support services, in accordance with the victim's needs, before, during and for an appropriate time after criminal proceedings, including services provided by non-governmental organisations, who may provide special support. The type of support provided to victims depends on the individual needs of each victim which are determined after an assessment.

Victim support services in Cyprus are ensured by both the State and NGO's which specifically aim at providing general or specialised support to victims of crime (i.e. the "Association for the Prevention and Handling of Violence in the Family" and "Hope for Children", both operating Victim Help lines and Shelters). At State level, victim assistance services are usually provided by and through relevant authorities, such as the Police and the Social Welfare Services Offices, and they are free of charge manner. Victims are therefore provided with protection, accommodation, food, regular meetings with psychologists, free legal services in case the victim does not have the possibility to afford it. In Cyprus there are no national universal victim support services,

nonetheless, the Social Welfare Service Offices are responsible for victims' assistance²⁶.

Specialist services exist, such as the Association for the Prevention and Handling of Violence in the Family (SPAVO) that provides support to domestic violence victims through their helpline (24-hour), one to one psychological support and their shelter. The association currently runs two shelters that are accessible on a 24 hour basis and are free of charge.

NGOs mentioned above ensure that the public is informed about the visibility and accessibility of the services they provide through awareness campaigns and the provision of national numbers.

Regarding victims of trafficking, apart from the provisions of the Law, the personnel of the Office of Combating Trafficking in Human Beings, during interviewing sessions with victims, puts a lot of effort into empowering the victims, especially women and children. The aim is to help the victim recover from victimisation and to gain confidence and become enable them to participate in judicial proceedings. Additionally, there is a state shelter in which female victims of sexual exploitation can reside and where the victims have access to psychological support. Male and female victims of labour exploitation are assisted to find accommodation elsewhere. Laws and policies concerning the rights of the victims of trafficking do not discriminate against any ethnic minority.

The referral procedure for victims of trafficking is set in Articles 44 and 45 of Law 60(I)/2014²⁷. According to these Law articles, any governmental agency or NGO which may encounter with victims of trafficking has to refer them to the SWS. The SWS will provide victims with information on their rights and refer them to the Office for Combating Trafficking in Human Beings of the Cyprus Police, which is the competent authority to issue a formal identification of these victims. When a victim or a possible victim of trafficking is identified, the Police Office for Combating in Human Beings notifies the Migration Department through the Immigration office of the Cyprus Police, as well as the SWS. Upon identification, the victim is offered a reflection period in order to make an informed decision whether to co-operate with the authorities²⁸. The duration of the reflection period is for at least one month (two months for children) and can be renewed. Moreover, deportation orders cannot be enforced once a person is identified as a victim or possible victim of trafficking²⁹.

In cases of domestic violence, the Domestic Violence and Child Abuse Office of Cyprus Police is the central agency charged with monitoring cases and incidents of domestic violence and

26 Biffi, E., Mulder, E., Pemberton, A., Santos, M., Valerio M., Vanfraechem, I., and der Vorm, B. (2016). IVOR Report: Implementing victim-oriented reform of the criminal justice system in the European Union. Lisboa, Portugal: APAV - Associação Portuguesa de Apoio à Vítima. Retrieved from: <https://www.apav.pt/ivor/images/ivor/PDFs/IVOR-Repot-WebVersion.pdf>

27 GRETA – Group of Experts on Action Against Trafficking in Human Beings (2015). Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings in Cyprus. France: Council of Europe.

28 See also section Article 2 - Definitions, p. 17.

29 See also p.17.

child abuse that are reported to Police Stations all over Cyprus and with collaborating with the investigators as well as with professionals from other relevant Services.

In practice, some issues appear regarding victim support. For instance, as mentioned above there is no universal national victim support service in order to cover all areas in Cyprus. This is an issue identified by professionals, as it makes accessibility difficult for victims, especially for people that reside in rural areas. This also applies for child victims as in order to receive help and support, some have to travel to neighbouring areas in order to do so. It has been reported that there are plans to improve that issue in the near future in order for child victims to be able to access support more effectively. Some of these plans include the development of more offices in areas where support does not currently exist.

Another issue identified by professionals³⁰, is that there may be difficulties when making the appropriate referral for a victim. For instance, the SWS will usually refer the victim to the appropriate service for support (i.e. mental health services) however there is no mechanism indicating the responsibilities and the procedures of such referrals which may create difficulties in the coordination and cooperation of services and delay the referral process and the quality of the support that the victim may receive. Additionally, professionals may benefit from further training and supervision in providing more effective services.

Thus, even though, victim support services exist and provide the support needed by victims, a national multiagency support system could benefit the quality and the timeliness of the services provided to victims.

³⁰ Vociare Interview no. 1.

ARTICLE 9 - SUPPORT FROM VICTIM SUPPORT SERVICES

Victim support services shall, as a minimum, provide: a) information, advice and support relevant to the rights of victims; b) information about or direct referral to any relevant specialist support services in place; c) emotional and psychological support; d) advice relating to financial and practical issues arising from the crimes; e) advice relating to the risk and prevention of secondary and repeat victimisation, of intimidation and of retaliation. Specialist support services shall develop and provide: a) shelters or any other appropriate interim accommodation for victims; b) targeted and integrated support for victims with specific needs such as victims of sexual violence, victims of gender-based violence and victims of violence in close relationships.

In Cyprus, Article 9 of the Victims' Directive was transposed in the national legal framework under Article 11 of Law 51(I)/2016. As described above, victim support services operate in the Republic of Cyprus are provided both by the State and by NGO's. Even though, there was no generic national victim support service in Cyprus prior the enactment of Law 51(I)/2016, support services are provided from a range of government agencies or non-profit organisations, while the Social Welfare Services seem to have undertaken the role of a generalist victim support service.

More specifically, at the State level, the SWS and the Police provide victim assistance services and refer victims to specialised support services if needed. In most cases the Police cooperates with or refers the victims to the SWS in order for the victims to receive support services based on their needs, while in some cases (i.e. child victim, domestic violence cases, victims in need of a shelter) the Police is obliged to contact and inform the district SWS about the incident. According to article 11 of Law 51(I)/2016, the SWS are the competent authority to ensure that the victims receive support from victim support services. More specifically, article 11 par. (1) of Law 51(I)/2016 states that the SWS shall ensure that the victims receive: i) information, advice and support relevant to their rights, including on actionable right to compensation and on their role in the criminal proceedings for participation at the trial; ii) information about any existing relevant specialist support services in place; iii) emotional and (where needed) psychological

support, referral to the Mental Health Services or/and to Educational Psychology Service of the Ministry of Education and Culture where the victim is a student, iv) networking with other services, such as psychological support services, housing, financial support and medical services.

In cases where the victim is a student or a minor, the SWS cooperate with the Mental Health Services and the Educational Psychology Service of the Ministry of Education and Culture in order to assess the special needs of the victim and ensure a targeted holistic support (Law 51(I)/2016, art. 11 par. 2(a)). Moreover, article 31(2) of Law 91(I)/2014 state that the SWS ensure that a child is provided with support and protection as soon as there are grounds for believing a sexual offense may have been committed against a child; while art. 36(1) of the same law specifies that, during the first contact with the victim and/or legal guardian, the SWS and/or the Police shall ensure that the victims receive, in language which they understand, all the necessary information including: i) information about victim support services or organisations; ii) support in relation to the criminal proceedings, and about legal aid and their right to compensation; iii) information about filing a complaint against the offender, the following procedures and their role in the criminal proceedings; iv) information regarding protection measures; as well as v) information in case the victim is a resident in another member state³¹.

Moreover, the SWS are the competent authority for the supervision of the shelters and other appropriate accommodation services for victims. According to par. 2(b) and (c) of Law 51(I)/2016, the SWS are responsible for the establishment of shelters, as well as for ensuring their proper registration and operation³².

Currently, the below shelters operate in the Republic of Cyprus:

- Two shelters for abused women (and their children) operated by the Association for the Prevention and Handling of Violence in the Family (APHVF)³³,
- one government-operated shelter for female victims of trafficking,
- the Open House - rehabilitation center is operated by the NGO Cyprus Stop Trafficking and provides shelter and support to victims of trafficking after they leave the state shelter,
- more than 10 shelters and houses across the Republic of Cyprus, operated by the SWS, where temporary accommodation is also provided to child victims of abuse, in case the child victim is placed under the care of the SWS,

³¹ In case the victim is resident in another EU member state, receives information as described in Article 17 (see p. 42). Yet as mentioned in the section of Art. 2 of the Directive above (see p. 15), the law calls for equal treatment of all victims. To this end, all foreign victims will receive information according to their needs.

³² In accordance to the regulations made by the Council of Ministers for the better implementation of the provisions of the Law (art. 25 of Law 51(I)/2016).

³³ The WAVE (Women against Violence Europe) Country report 2017 (WAVE, 2018) also concludes that Cyprus does not meet the Istanbul Convention standards on national women's helplines and shelter provisions regarding the quality of support services provided to women victims of violence; even though this report present mixed results which do not allow to highlight that the internationally recognised Republic of Cyprus is actually in line with the Istanbul Convention standards.

- the shelter "Home for Hope" operated by the Hope for Children CRC Policy Center, which accommodates unaccompanied minors (refugees and/or migrants) who are placed under the legal guardianship of the SWS upon their arrival in Cyprus.

Furthermore, general and specialised help- and support-lines operate nationwide. The main helplines are:

- Citizens' Communication line 1460, operated by the Police Headquarters, which provides information and practical support services (including making referral to other services) and receives complaints.
- Helpline 1440, operated by the Association for the Prevention and Handling of Violence in the Family, offering information and counselling services on issues related to domestic violence.
- European helpline 116000 exclusively for cases of disappeared children, operated by the consortium of the Association for the Prevention and Handling of Violence in the Family and the Hope for Children CRC Policy Center.
- European helpline for children's and teenager's support 116 111, operated by the consortium of the Association for the Prevention and Handling of Violence in the Family and the Hope for Children CRC Policy Center, offering counselling services exclusively for children and teenagers until 18 years of age.
- Helpline 1410, operated by the Youth Board of Cyprus, providing counselling services, crisis management, information and referral to other services on various issues such as substances dependence, family issues, bullying, psychological issues, etc.
- Helpline 1455, operated by the Cyprus Family Planning Association, offering counselling services on issues related to sexual health and well-being.
- Helpline 1456, operated by the NGO Perseas, offering services related to substance abuse.
- Helpline 1498 for drug information and assistance.
- Hotline 22674747, operated by SafenetCy, for dealing with illegal content on the internet, also accepting reports regarding child abuse, racist and xenophobic material. Similar services are provided also by Helpline Cyber Safety 1480.

Non-profit, non-governmental organisations, such as the Association for the Prevention and Handling of Violence in the Family (APHVF), the Cyprus Family Planning Association, and the Hope for Children CRC Policy Center, provide a wide range of information and support regarding legal, psychological and social issues in accordance to the victims' needs and the crime suffered. Medical care in public medical institutions is offered for free for free (for services up to €1.000)

to victims of violent crimes who are claiming compensation from the Republic of Cyprus based on the Law 51(I)/1997³⁴.

Financial support in Cyprus is provided to any low-income residents according to the requirements specified in Law 109(I) of 2014 providing for the Minimum Guaranteed Income and generally on Social Allowances. Irrespective of the provisions of the legislation, a person who does not receive a monthly minimum guaranteed income and is in an emergency situation as a result of personal circumstances or an unexpected/extraordinary situation may be provided with immediate financial aid, based on article 11 of Law 109(I) of 2014, in order to cover basic needs of that person.

In practical terms, the frequency that the victims receive information and support services, remains on a mediocre level. As the VOciare online survey results showed, emotional and psychological support is the most frequent type of support provided to victims. At the same time, information, advice and support about their rights, referral, practical and financial advice as well as advice on secondary and repeat victimisation, intimidation and retaliation are provided to victims only sometimes. The limited geographical coverage is one of the main reasons for the reduced support services provision to victims across the Republic of Cyprus³⁵. Most support services operate in city centres which causes a great financial and practical burden to victims living in rural areas. Moreover, the prevalent role of parents or guardians in cases involving child victims, may become intrusive or even prevent children from receiving support services³⁶. Overall, the victims' will to cooperate is essential for the continuous and stable provision of support; whereas if the victim wishes not to cooperate and/or receive support, the SWS will limit their involvement to monitoring the case for a reasonable period of time.

³⁴ It is not clear what happens in cases where medical costs exceed €1.000. However, victims have the possibility to request compensation for these costs at the civil court (see relevant section below).

³⁵ VOciare interview no. 5.

³⁶ VOciare interview no. 2.

ARTICLE 10 - RIGHT TO BE HEARD

Member States shall ensure that victims may be heard during criminal proceedings and may provide evidence. Where a child victim is to be heard, due account shall be taken of the child's age and maturity.

The article 12 of Law 51(I)/2016 which transposed Article 10 of the Victims' Directive into the national legal framework, safeguards the rights of the victims to participate as witnesses in criminal proceedings. Within this framework, the victims may provide evidence for their case. The victims' examination and interviewing are conducted where is necessary for the purposes of criminal proceedings, while the prosecution authorities and any other service involved shall ensure that appropriate measures are taken in respect to this right. The evidence provided by a victim is treated in accordance with the criminal procedure rules and the rules of the Evidence Law of the Republic (Cap. 9). The respective article of the Law does not include any special provisions regarding the framework of participation of child victims in criminal proceedings.

However in cases of domestic violence and child sexual abuse and exploitation, the Laws 119(I)/2000 and 212(I)/2004 on domestic violence, as well as Law 91(I)/2014 on Preventing and Combating the Sexual Abuse and Sexual Exploitation of Children and Child Pornography foresee that the complaint by a victim of the predefined offences provided in these Laws, to any police officer, social welfare officer, family counsellor, psychologist, doctor, educationalist, members of NGOs (e.g. Association for the Prevention of Violence in the Family), or members of the close family environment of the victim within a reasonable time from the commission of the offence, shall constitute evidence. In these cases, special protection measures are taken to prevent secondary and repeated victimisation of the victims, such as video recorded statement, the sex of the interviewer, avoidance of contact between the victim and the offender. Judicial discretion is preserved in regards to the acceptance of a video recorded statement; hence the court will decide whether to accept this evidence on a case-by-case basis³⁷.

Moreover, in a case involving child victims, the age and maturity of the child is always taken into account³⁸. In most cases, the child will be assessed by a psychologist or a psychiatrist specially

³⁷ There is no information available as to how often the courts will accept such a statement, and the decision to do so is left to the discretion of the judge, which in practice may mean that video evidence may not be accepted in all cases in which, from the victim support perspective, it would be justified to do so.

³⁸ VOciare online survey results; Interviews no. 2 & 4.

trained to make such assessments. The report of the practitioner will later be presented at the court and will be taken into account during the trial and sentencing. In practice, there seems to be measures to assess a child's age and maturity, yet professionals consider them as only partly sufficient³⁹.

Overall, the law enforcement authorities take appropriate measures to facilitate the understanding and participation of victims during criminal proceedings, and victims are most of the time heard and enabled to provide evidence throughout the criminal proceedings⁴⁰ without any limitations.

39 VOCIARE online survey results.

40 VOCIARE online survey results. Yet the results did not provide concrete evidence in regards to whether the victims' right to be heard is limited by their role in the proceedings.

ARTICLE 11 - RIGHTS IN THE EVENT OF A DECISION NOT TO PROSECUTE

Member States shall ensure that victims, in accordance with their role in the relevant criminal justice system, have the right to review of a decision not to prosecute. Where the role of the victim will be established only after a decision to prosecute the offender has been taken, Member States shall ensure that at least the victims of serious crimes have the right to a review of a decision not to prosecute. Member States also need to ensure that victims are notified of their right to receive, and that they receive sufficient information to decide whether to request a review.

The victims' right in the event of a decision not to prosecute is not included in Cyprus' legislation. For the initiation of a criminal case in Cyprus, upon the conclusion of the criminal investigation, the case is transferred to the Office of the Attorney General, who has the power to decide to prosecute or discontinue any criminal proceedings, exercisable at his discretion (Article 113(2) of the Constitution). The Attorney General is an independent officer of the Republic 'not likely to abuse his discretion'. However, no mechanism of review of his decision is provided⁴¹.

According to professionals⁴², the victim has the right to ask for a review of their case as well as add further evidence or facts regarding their case. This may happen when the victim disagrees with a specific decision by the court or if they want to make a complaint regarding their case. They can do so formally by reporting this to the Police. This happens in situations where the interference amounts to a punishable offence.

41 Ioannidou, M. (2014). Victim Support Services in the EU: An overview and assessment of victims' rights in practice - Cyprus. FRANET contractor: First Elements Euroconsultants Ltd. Retrieved from: <http://fra.europa.eu/en/publication/2012/victim-support-services-eu-overview-and-assessment-victims-rights-practice>

42 VOCIARE interview no. 5

ARTICLE 12 - RIGHT TO SAFEGUARDS IN THE CONTEXT OF RESTORATIVE JUSTICE SERVICES

Member States shall take measures to safeguard the victim from secondary and repeat victimisation, from intimidation and from retaliation, to be applied when providing any restorative justice services. Member States shall facilitate the referral of cases, as appropriate to restorative justice services.

Article 12 of the Victims' Directive was not transposed in the national legislative framework (i.e. Law 51(I)/2016), and there is no definition of 'restorative justice' or of any other similar definition in the Cypriot legislation. Restorative practices (e.g. victim – offender mediation, sentencing circles, family group conferencing) or other restorative justice services are not implemented in criminal cases, while it seems that there are no intentions to introduce such measures in the future⁴³.

In terms of victims' restitution, this is usually achieved through the victims' legal right to compensation⁴⁴, as this is safeguarded under Law 51(I)/1997 on the Compensation for Victims of Violent Crimes, and other laws that exist for specific groups of victims such as victims of trafficking (Law 60(I)/2014).

43 VOCIARE interview no. 4.

44 IVOR project – national factsheet for Cyprus: https://www.apav.pt/ivor/images/ivor/PDFs/Fact_sheet_cyprus.pdf

ARTICLE 13 - RIGHT TO LEGAL AID

Member States shall ensure that victims have access to legal aid, where they have the status of parties to criminal proceedings.

The right to legal aid is not included in Cyprus' Law 51(I)/2016. Regarding free legal representation, according to, the factors to be taken into account for allowing legal aid are the applicant's financial situation, the interests of justice taking into account the importance of the case and other relevant circumstances as well as in civil and criminal proceedings for specific violations of human rights. Thus, entitled to receive legal aid is any natural person (nationals and non-nationals) who cannot bear the costs of the proceedings without affecting the basic needs and obligations of themselves and their family. Nonetheless, the Legal Aid Law (165(I)) grants legal aid only once the applicant is granted legal aid⁴⁵.

Moreover, women victims of crime with limited economic resources have access to free legal aid in Cyprus, and the aid is provided by registered private lawyers⁴⁶. Also NGOs and/or women's organizations sometimes provide legal assistance to women victims⁴⁷.

Furthermore, in 2009 a set of regulations, entitled Regulations for the Provision of Independent Assistance to Victims of Discrimination 2009, was adopted by the Council of Ministers within the framework of the Law on Equal Treatment between Men and Women in Employment and Vocational Training. These regulations provide for the provision of legal aid, Court representation, representation before administrative and/or independent bodies and legal advice on issues of gender discrimination in the employment field. In the proceedings before the Ombudsman/Equality body, no issue of legal aid arises since the procedure is free⁴⁸.

Moreover, especially in the cases of victims of trafficking (Law 60(I)/2014) and child victims (Law 91(I)/ 2014), each victim reserves his/her right to free legal aid irrespective to their willingness to cooperate with the authorities at any stage of the criminal procedures.

45 This puts victims at risk during this period, as they could be deprived of legal representation during the critical first period following victimisation.

46 The beneficiary of legal aid may choose a lawyer who is willing to offer his/her legal aid services. In the event that the beneficiary does not appoint a lawyer of his own choice, the Court invites the beneficiary to choose a lawyer from a list of lawyers who offer legal aid services in the framework of the legal aid law. The List of Lawyers for legal aid has been created by the Cyprus Bar Association.

47 EuroMed Rights (2017). Cyprus: Situation report on violence against women. Retrieved from <https://www.euromedrights.org/wp-content/.../Factsheet-2017-VAW-Cyprus-EN.pdf>

48 FRA (2017), op.cit.

In practice, legal aid is available and there is a list of lawyers who offer legal aid services in the framework of the legal aid law. The List of Lawyers for legal aid has been created by the Cyprus Bar Association. The application for legal aid is not available in all required languages however an interpreter will assist the victim with the translation and answer any questions that the victim may have⁴⁹.

ARTICLE 14 - RIGHT TO REIMBURSEMENT OF EXPENSES

Member States shall afford victims who participate in criminal proceedings, the possibility of reimbursement of expenses incurred as a result of their active participation in criminal proceedings, in accordance with their role in the relevant criminal justice system.

In Cyprus, Article 14 of the Victims' Directive was transposed in its entirety in the national legislation under Article 13 of Law 51(I)/2016. Moreover, Law 60(I)/2014 (art. 33(3)) states that victims of trafficking who participate in criminal proceedings as witnesses, are compensated by the Republic for any costs arising from their participation. In practical terms, the reimbursement of expenses is also included in the sentence of the accused in the form of 'punitive compensation', and as this is formed as part of the court procedures⁵⁰. The amount of money will be collected and delivered to the victim, yet there is no specific deadline. If the victim wishes to claim civil compensation, procedures are initiated at the civil court where the victim will claim compensation both from the offender and the Republic. No evidence were found on how this works in practice, e.g. how long it takes on average for the victim to receive the amount of money.

⁴⁹ Vociare interview no. 4.

⁵⁰ Vociare interview no. 4.

ARTICLE 15 - RIGHT TO THE RETURN OF PROPERTY

Member States shall ensure that recoverable property which is seized in the course of criminal proceedings is returned to victims without delay, unless required for the purposes of criminal proceedings.

According to Cypriot legislation, victims' property can be seized if needed for the purposes of criminal proceedings. If the physical presence of the property is not necessary or is impossible, photographs or other forms of presentation of the property are taken (e.g. video or experts' report).

The victim has the right to ask for their property to be returned or destroyed. In cases where the property is damaged or lost the victim is able to ask for a reimbursement.

Law 51(I)/2016 of the Republic of Cyprus states, in reference to recoverable property, which had been seized from the victim in the course of criminal proceedings, that the Court may issue an order for the return of such property. This order needs to be made following the court's judgment without delay, unless otherwise required for the purposes of criminal proceedings.

The victim's property is usually returned after the completion of the criminal proceedings, which may take some time depending on the case (it may take approximately 2 years for the completion of the criminal proceedings).

ARTICLE 16 - RIGHT TO DECISION ON COMPENSATION FROM THE OFFENDER IN THE COURSE OF CRIMINAL PROCEEDINGS

Member States shall ensure that, in the course of criminal proceedings, victims are entitled to obtain a decision on compensation by the offender, within a reasonable time, except where national law provides for such a decision to be made in other legal proceedings.

Article 16 of the Victims' Directive was transposed into national legislation under Article 15 of Law 51(I)/2016 which ensures that

"(1) without prejudice to any other judicial proceedings or damages provided for under the provisions of any other law or regulations, any person who is a victim pursuant to this law, shall have an actionable right to compensation in the course of the civil proceedings against an offender, for any criminal offence committed against him/her, and the offender shall have a respective civil law responsibility to pay special or general compensation to the victim; while (2) in case of the death of the victim, actionable right to compensation shall have the family members of the victim".

Similar provision has already been enacted for victims of trafficking under Article 35 of Law 60(I)/2014 and for child victims of sexual abuse and sexual exploitation under Article 39 of Law 91(I)/2014. Both of these provisions provide that victims within the meaning of the above mentioned Laws shall have a legal right to compensation against all persons responsible for committing the criminal offences under these Laws and for violation of their human rights. At the same time, the accused also has the corresponding civil liability to pay special and general damages to his victims, including any delayed debts from exploiting a victim's labour. For victims of other violent crimes, the Compensation for Victims of Violent Crimes Law of 1997 (Law 51(I)/1997, art. 4), foresees that the State pays compensation to victims or their dependents (in case of the victims' death as a result of the criminal offence) when they cannot claim compensation from the perpetrator or cannot receive compensation from other sources. The Law further stipulates that when the compensation from other sources is less than the one outlined in the law, the state supplements the difference.

In practice, compensation from the offender may take the form of 'punitive compensation' which may consist part of the criminal process⁵¹. If the victim wishes to claim civil compensation, procedures are initiated at the civil court where the victim can claim compensation both from the offender and the Republic.

⁵¹ Vociare interview no. 4.

ARTICLE 17 – RIGHTS OF VICTIMS RESIDENT IN ANOTHER MEMBER STATE

Member States shall ensure that authorities can take appropriate measures to minimise the difficulties faced where the victim is a resident of a Member State other than that where the criminal offence was committed. The authorities of the Member State where the criminal offence was committed shall be in a position: a) to take a statement immediately after the complaint is made to the competent authority; b) to have recourse to video conferencing and telephone conference calls for the purpose of hearing victims who are resident abroad.

Member States shall ensure that victims of a criminal offence committed in Member States other than that where they reside may make a complaint to the competent authorities of the Member State of residence, if they are unable to do so in the Member State where the criminal offence was committed or, in the event of a serious offence, as determined by national law of that Member State, if they do not wish to do so.

Member States shall ensure that the competent authority to which the victim makes a complaint transmits it without delay to the competent authority of the Member State in which the criminal offence was committed, if the competence to institute the proceedings has not been exercised by the Member State in which the complaint was made.

According to the Law 51(I)/2016 and the Cyprus' Police guide of victims' rights⁵², where the victim is a resident of another member state, the prosecution authorities, in order to minimise the difficulties faced, particularly with regard to the organisation of the proceedings, shall take a statement from the victim immediately after the complaint with regard to the criminal offence

⁵² Cyprus Police (2017), op. cit.

and have recourse to the extent possible to the provisions on video conferencing and telephone conference calls in accordance to the Council Convention based on article 34 of the Treaty of the European Union, on Mutual Assistance in Criminal Matters between the Member States of the European Union, and its Protocol (Ratification) Law, for the purpose of hearing victims who are resident abroad.

In addition, where the victim of a criminal offence committed in the Republic is a resident in another member state, he/she may make a complaint to the competent authorities of the member state of residence, provided that he/she is unable to do so in the Republic or, in the event of an offence, if he/she does not wish to do so in the Republic.

In cases where the victim files a complaint about the commission of a criminal offence in another Member State with the prosecution authorities of the Republic, the prosecution shall transmit it without delay to the competent authority of the member state where the criminal offence was committed, unless they decide to prosecute the case themselves.

Also, the Compensation for Victims of Violent Crimes (Cross-border Situation) Regulations 328/2006, ensure that the access to compensation of victims of violent intentional crimes in cross-border situations is facilitated through a system of cooperation and mutual assistance between the Member States irrespective of the country where the crime has been committed or the victim resides. The victims may always turn to the competent authority in their Member State to find the information needed to make the application and submit it with all relevant documents in order to obtain compensation overcoming practical and linguistic difficulties common in cross-border situations⁵³.

The Police takes a statement from the victim immediately after the complaint or at the first possible opportunity. A victim may have recourse to the provisions on video conferencing if the offence is committed in Cyprus and the victim makes a statement to the Police before returning to his/her country. Also, the statement can be made in the competent authority of the victim's country and transmitted to Cyprus Police within the framework of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000. According to article 37(2) of Law 60(I)/2014, a victim's complaint against offences included in this law, who is a resident of another member state and his/her complaint is submitted to his/her residence country, is investigated by the Cyprus authorities in the same way that would have been investigated had the victim been in the Republic of Cyprus⁵⁴.

In practice, the same procedure is followed for victims who reside in other Member States.

⁵³ Ioannidou, M. (2014). Victim Support Services in the EU: An overview and assessment of victims' rights in practice - Cyprus. FRANET contractor: First Elements Euroconsultants Ltd. Retrieved from: <http://fra.europa.eu/en/publication/2012/victim-support-services-eu-overview-and-assessment-victims-rights-practice>

⁵⁴ Biffi et al. (2016), op. cit.

Usually, after the complaint is made, the Police will conduct an interview with the victim in person, or with the help of video conferencing equipment. If possible, the Police may travel abroad if required for the interview and statement procedures. An interpreter is employed for all translation requirements for all victims. It has also been reported (Interview 5) that if the victim needs to travel back to Cyprus, for instance in order to make a court appearance, they have the right to apply for financial support (i.e. for their travel expenses).

ARTICLE 18 - RIGHT TO PROTECTION

Member States shall ensure that measures are available to protect victims and their family members from secondary and repeat victimisation, from intimidation and from retaliation, including against the risk of emotional or psychological harm, and to protect the dignity of victims during questioning and when testifying. When necessary, such measures shall also include procedures established under national law for the physical protection of victims and their family members.

In Cyprus, Article 17 of Law 51(I)/2016 is in full line with article 18 of the Victims' Directive. According to Article 17 of Law 51(I)/2016, a victim wishing to cooperate with the prosecution authorities, in the context of the criminal proceedings, shall be considered as a witness in need of protection within the meaning given to it by the Witness Protection Law⁵⁵ (Law 95(I)/2001 and 15(I)/2014) and, where necessary, shall be placed in the Witness Protection Scheme and Co-operators of Justice⁵⁶. Victims who are protected under the Witness Protection Law will be provided with special treatment (e.g. in terms of methods of questioning) which protects the victim from secondary and repeat victimisation, and the risks of emotional or psychological harm, possible revenge or retaliation.

Moreover, according to par. (4) of the abovementioned article, in case of child victims, the prosecution authorities shall ensure that the investigation or institution of criminal proceedings is not dependent upon the submission of a complaint by the victim or his/her representative. In this case, the criminal proceedings may be continued even if this person withdraws its deposition; while the prosecution shall continue even after the child becomes an adult. Similarly, article 38 of Law 91(I)/2014 foresees that in cases of child victims of sexual abuse and sexual exploitation, the victims are considered as a witness in need of protection under the Witness Protection Law (Law 95(I)/2001 and 15(I)/2014) and, are placed in the Witness Protection Scheme and Co-operators of Justice; while special measures are put in place to ensure the protection of the identity and privacy of the victim and his/her family even after the end of the criminal proceedings.

⁵⁵ The Court decides whether a witness is in need of protection by taking into account the nature and circumstances of the offense, his/her age, his/her social and cultural background and ethnic origin; his/her the family and working environment, his/her the religious or political beliefs, the behaviour of the accused or members of his/her family or associates against the witness, and the views expressed by the witness. Special attention is given to victims of domestic violence and of trafficking, as well as child victims.

⁵⁶ The Scheme includes protection measures, such as guards, displacement of the witness and his/her family to another city or village or abroad (maintaining its secrecy), changing the identity of the witness and his/her family.

Protection orders and other protection measures are available in several laws⁵⁷ for vulnerable victims, such as victims of domestic violence, child victims of sexual abuse, and victims of trafficking. These measures provide increased protection for such victims and include protection orders which are issued by the Court (e.g. Court order for the removal of a minor, interim order restraining the suspect or removing the victim, restraining order, probation order), video-recording of statements, and witness protection measures in Court (including giving evidence through CCTV).

Yet in practice, there seems to be not adequate measures provided to the victims to protect them from intimidation or retaliation, and the risk of emotional or psychological harm. Most practitioners⁵⁸ consider that protection measures are offered to victims and their families only sometimes. Similar results were showed in terms of prevention of secondary victimisation, as most professionals noted that victims and their families are also treated by the authorities in a respectful manner and with dignity throughout the criminal proceedings, but not on a sufficient level. The situation was referred as to be slightly better with regards the treatment by the prosecuting authorities⁵⁹.

⁵⁷ E.g. Laws 119(I)/2000 and 212(I)/2014; Law 60(I)/2014; Law 91(I)/2014.

⁵⁸ Vociare online survey results and interviews.

⁵⁹ Vociare online survey results.

ARTICLE 19 - RIGHT TO AVOID CONTACT BETWEEN VICTIM AND OFFENDER

(1) Member States shall establish the necessary conditions to enable avoidance of contact between victims and their family members, where necessary, and the offender within premises where criminal proceedings are conducted, unless the criminal proceedings require such contact.

(2) Member States shall ensure that new court premises have separate waiting areas for victims.

According to the Article 18 of Law 51(I)/2016, the Police shall ensure for the establishment of necessary conditions to enable avoidance of contact between victims and their family members and the offender within the premises of the Court where criminal proceedings are conducted, where necessary and unless the criminal proceedings require such contact.

In practice there are separate areas in order for the victim not to meet with the defendant and there is a special seating reserved (in order to avoid contact with the defendant) for victims at trial. Also According to the Protection of Witnesses Law (95(I)/2001), among others, the trial may be conducted behind closed doors, the deposition of the witness can be taken in such a way that the accused and the victim are not in direct contact (placing of a special partition or use of closed television circuit or of any other electronic means), escort of the victim witness to the court by a patrol car and by a police officer.

In the case of domestic violence incidents, the Law on Domestic Violence (Prevention and Protection of Victims), 2000 and 2004 (119 (I)/2000) harassing the victim or another person in a way that causes emotional turmoil to the victim or the witness and affects the criminal procedures of the case represents a separate crime, which is chargeable to the offender.

Depending on the case and the victim's protection needs (specified following an individual assessment) the appropriate measures are taken. According to some professionals⁶⁰, restructuring of the existing buildings in some courts (i.e. District Court) may improve this measure in practice further.

⁶⁰ Vociare Interview no. 5.

ARTICLE 20 - RIGHT TO PROTECTION OF VICTIMS DURING CRIMINAL INVESTIGATIONS

Member States shall ensure that during criminal investigations: a) interviews of victims are conducted without unjustified delay; b) the number of interviews of victims is kept to a minimum and interviews are carried out only where strictly necessary for the purposes of the criminal investigation; c) victims may be accompanied by their legal representative and a person of their choice; d) medical examinations are kept to a minimum and are carried out only where strictly necessary for the purposes of the criminal proceedings.

During criminal investigation, the prosecuting authorities will ensure that the interview of the victim is conducted without unjustified delay after a criminal complaint has been made. Moreover, the number of interviews of the victim is to be kept to a minimum and interviews are to be carried out only where strictly necessary for the purposes of the criminal investigation. During these interviews, the victim may be accompanied by a legal representative and a person of their choice, unless a reasoned decision has been made to the contrary. Finally, medical examinations are to be kept to a minimum and are to be carried out only where strictly necessary for the purposes of the criminal proceedings. All of these rules are to be applied without prejudice to the rights of the defence, and according to the rules of judicial discretion⁶¹.

Several laws (such as on Domestic Violence, on Child Sexual Abuse, on trafficking of Human Beings, on Protection of witnesses) provide for measures of increased protection for such victims. Such measures include protection orders, video recording of statements, court witness intimidation measures (including giving evidence through CCTV) and structured /official information of their legal rights.

Applicable Cyprus legislation in the broader sense fails to stipulate the maximum delay between a criminal complaint and victim interview, and the police does not have a specific legal obligation to interview the victim immediately after the crime had been reported⁶².

⁶¹

⁶² IVOR Project – National factsheet for Cyprus

However, in practice, the police aim to take the victim's statement immediately or soon after the complaint is made. Also for child victims, the interview takes place without unnecessary delays, following the official complaint. Additional statements from the victim may be received as criminal investigations are progressing (if required by the victim or the investigating authorities). It has been particularly noted that in cases of trafficking in human beings, victims may be required to provide repeated interviews to the Police Office for Combating Trafficking in Human Beings in order to grant them victim status⁶³.

According to professionals, interviews and medical examinations are kept to a minimum, aiming to avoid repetitive examinations and interviews. This particularly applies to child victims, where specially trained professionals will only take one single statement from the child throughout the entire course of proceedings. Moreover, victims of sexual abused are interviewed by a person of the same gender.

⁶³ GRETA (2015), op. cit.

ARTICLE 21 - RIGHT TO PROTECTION OF PRIVACY

Member States shall ensure that competent authorities may take during the criminal proceedings appropriate measures to protect the privacy of the victim. Furthermore, Member States shall ensure that competent authorities may take all lawful measures to prevent public dissemination of any information that could lead to the identification of a child victim.

During criminal proceedings, prosecuting authorities shall take all necessary measures to protect the privacy of the victim, including personal characteristics of the victim and images of the victim and of his/her family members. Such measures will be noted in the individual assessment. Prosecuting authorities may also take any lawful measure to prevent public dissemination of any information that could lead to the identification of a child victim. Privacy and identity of the victim shall be protected by any service involved (i.e. organisations, prosecuting authorities), and processing of personal data shall always be made in accordance with provisions of the Processing of Personal Data (Protection of Individuals) Law. This legislation has recently been revised to be aligned with the Regulation (EU) 2016/679 (General Data Protection Regulation, GDPR) and now offers better protection of personal data of all citizens, including victims of crimes. The Office of the Commissioner for Personal Data Protection in Cyprus is competent authority regarding the protection of privacy for victims.

Before the new measures regarding protection of privacy, this right had not been adequately safeguarded. Namely, according to the previously existing practice, all court decisions (including the full names and other personal information of victims) had been published on the online legal database 'CyLaw'. Following the entry into force of GDPR, the Supreme Court has suspended the publication of court decisions and is currently reviewing how court decisions should be published taking into account the right to protection of privacy⁶⁴.

Moreover, when privacy of victims is violated by private individuals or the media, sanctions can be imposed. For example, article 34 of the Law on Domestic Violence (The Violence in the Family Prevention and Protection of Victims Laws 119(I) of 2000 and 212(I) of 2014) mentions that

⁶⁴ Nearchou, J. (2018). 'The Supreme Court blocked the publication of court decisions', article in newspaper Phileleftheros, 5 June 2018. Retrieved from: <http://www.philenews.com/koinonia/eidiseis/article/535597/dikastikos-ponokefalos-ta-prosopika-dedomena142>

dissemination in the media of information about the victim and the perpetrator, as well as other information which could lead to the identification of the victim, shall not be disclosed or published by any means. Violation of this prohibition punishable with imprisonment (1 to 5 years) or a fine. The Cyprus' Radiotelevision Authority is also responsible for protecting the victims' rights.

As mentioned above, all professionals dealing with sensitive cases are obliged by law to protect the victim's privacy. Moreover, there are confidentiality protocols put in place, internally in organisations dealing with such cases, to ensure this protection. Nonetheless, it is not always possible to protect the victim's privacy in practice, as mentioned above because of the media or because of other individuals that are not assigned to the specific case.

ARTICLE 22 - INDIVIDUAL ASSESSMENT OF VICTIMS TO IDENTIFY SPECIFIC PROTECTION NEEDS

Member States shall ensure that victims receive a timely and individual assessment to identify specific protection needs due to their particular vulnerability to secondary and repeat victimisation, to intimidation and to retaliation.

In Cyprus, Article 22 of the Victims' Directive was transposed into national legal framework under Article 21 of Law 51(I)/2016. Under this legislation, the police shall proceed with a timely individual assessment of the victim, with the close involvement of the person concerned, This assessment will be conducted taking into account victim's wishes, aiming in identifying the their specific protection needs and the extent that special protection measures will be provided in the course of criminal proceedings. The police shall cooperate, where necessary, with the social welfare services, the mental health services and the health services for further assessment of victim's needs, while the individual assessment will be updated throughout the criminal proceedings. The individual assessment shall take into account: personal characteristics of the victim, the type or nature of the crime and circumstances of the crime. Special attention is given to victims who have suffered considerable harm due to the severity of the crime, to victims of racist and hate crimes, to victims whose relationship to and dependence on the offender make them particularly vulnerable, especially victims of terrorism, organised crime, human trafficking, gender-based violence, violence in a close relationship, sexual violence, exploitation and victims with disabilities. In cases of child victims, it shall be presumed that the child victim has specific protection needs and individual assessment shall be conducted in order to determine if and to what extent the child would benefit from special measures.

In practical terms, the implementation of this article is still in a very initial phase. A protocol and a template assessment tool are currently being developed to guide the authorities in making the individual assessment of victims' needs⁶⁵. Nonetheless, a separate individual assessment tool is already available and has been used by the police for the needs' assessment of victims of domestic violence⁶⁶. This tool is usually used to assess the level of risk for further victimisation of victims of domestic violence and to enable police officers to make necessary referrals of the

⁶⁵ Vociare interview no. 3.

⁶⁶ Vociare interview no. 3.

victims to the social welfare services and to the Association for the Prevention and Handling of Violence in the Family based on the Risk Assessment Protocol in cases of Domestic Violence⁶⁷. Especially in cases of child victims of sexual abuse, the victims' needs assessment includes a home visit as well as ongoing needs' assessment during the victim's involvement in criminal proceedings⁶⁸.

In sum, this article is currently being only partially implemented – in relation to victims of domestic violence, but efforts are made in order to be implemented in an effective and efficient manner for all victims of all crimes.

⁶⁷ Ministry of Justice and Public Order, Cyprus Police (2018). Risk Assessment Protocol in cases of Domestic Violence.

⁶⁸ Vociare interview no. 2.

ARTICLE 23 - RIGHT TO PROTECTION OF VICTIMS WITH SPECIFIC PROTECTION NEEDS DURING CRIMINAL PROCEEDINGS

(1) Member States shall ensure that victims with specific protection needs may benefit from the measures. A special measure envisaged following the individual assessment shall not be made available if operational or practical constraints make this impossible, or where there is an urgent need to interview the victim and failure to do so could harm the victim or another person or could prejudice the course of the proceedings.

(2) During criminal investigations, Member States shall ensure that victims with specific protection needs who benefit from special measures identified as a result of an individual assessment, may benefit from the following measures: a) interviews with the victim being carried out in premises designed or adapted for that purpose; b) interviews with the victim being carried out by or through professionals trained for that purpose; c) all interviews with the victim being conducted by the same persons; d) all interviews with victims of sexual violence, gender-based violence or violence in close relationships being conducted by a person of the same sex as the victim, if the victim so wishes.

(3) During court proceedings, victims with special protection needs shall also have the following measures available: a) measures to avoid visual contact between victims and offenders; b) measures to ensure that the victim may be heard in the courtroom without being present; c) measures to avoid unnecessary questioning concerning the victim's private life not related to the criminal offence; d) measures allowing a hearing to take place without the presence of the public.

The provision of Article 23 of the Directive was integrally transposed to the legislation of Cyprus.

Moreover, during criminal investigation, some of the following measures should be available to a victim who is identified as a victim with specific protection needs. Every interview with the victim shall be conducted: in premises designed or adapted for that purpose by or through professionals trained for that purpose; by the same persons unless this is contrary to the good administration of justice; and in cases of victims of sexual violence, gender-based violence or violence in close relationships, by a person of the same sex as the victim, on the condition that the victim so desired and that the course of the criminal proceedings will not be prejudiced.

In addition, during Court proceedings, there are certain measures that should be available for a victim who is identified as a victim with specific protection needs. Some of these measures include: avoiding visual contact between victim and offender including during the giving of evidence, by appropriate means such as the use of communication technology; ensuring that the victim may participate in the hearing by means of communication technology which don't require their physical presence in the courtroom; avoiding unnecessary questioning concerning the victim's private life not related to the criminal offence; as well as allowing a hearing to take place without the presence of the public.

As previously stated, in practice there are separate areas in courts for victims and defendants, and there is a special seating reserved for victims at trial. Also according to the Protection of Witnesses Law 95(I)/2001, among others, the trial may be conducted behind closed doors, the deposition of the witness can be taken in such a way that the accused and the victim are not in direct contact (placing of a special partition or use of closed television circuit or of any other electronic means), escort of the victim witness to the court by a patrol car and by a police officer. Also, several laws (such as on Domestic Violence, on Child Sexual Abuse, on trafficking of Human Beings, on Protection of witnesses) provide for measures of increased protection for such victims. Such measures include Protection Orders, Video Recording of Statements, Court Witness intimidation measures (including giving evidence through CCTV) and structured /official information of their legal rights.

In addition, there are protection measures for child victims and for individuals with disabilities and if required special protection measures are adapted (i.e. continuous police patrol). In cases where there are serious protection measures required the Attorney General makes a decision regarding the protection needs of the victim.

ARTICLE 24 - RIGHT TO PROTECTION OF CHILD VICTIMS DURING CRIMINAL PROCEEDINGS

Member States shall ensure that where the victim is a child: a) in criminal investigations, all interviews with the child victim may be audio visually recorded; b) in criminal investigations, and proceedings, competent authorities appoint a special representative for child victims where the holders of parental responsibility are precluded from representing the child victim as a result of a conflict of interest between them and the child victim, or where the child victim is unaccompanied or separated from the family; c) where the child victim has the right to a lawyer, he or she has the right to legal advice and representation, in his or her own name, in proceedings where there is, or there could be, a conflict of interest between the child victim and the holders of parental responsibility.

The Law pays particular attention to the protection of the child victims. In Cyprus, a child is any natural person under the age of eighteen (18). In case that the victim's age is uncertain and there are reasons to believe that the victim is a minor, the victim shall be presumed to be a child⁶⁹.

Complying with the Victims' Directive, Article 23 of Law 51(I)/2016 lays down specific procedures for the protection of child victims throughout the proceedings, as of the very beginning. The provisions follow the conditions and rules already provided for in the Protection of Witnesses Law, in the Prevention and Combating of Sexual Abuse and Sexual Exploitation of Children, and Child Pornography Law⁷⁰ and in the Violence in the Family Law. More specifically, where the victim is a child:

- All interviews/ examinations with the child victim may be audio-visually recorded. Such recorded interviews should be considered as evidence, as per the Evidence Law⁷¹.

⁶⁹ Art. 23(2e) of Law 51(I)/2016.

⁷⁰ Law 91(I)/2014, art. 42.

⁷¹ The Evidence Law (Cap. 9). Retrieved from: http://www.cylaw.org/nomoi/enop/non-ind/0_9/full.html (in Greek).

- Interviews with the child victim shall be as limited as possible and only where this is strictly necessary for the purposes of criminal proceedings. They shall be carried out without unnecessary delay as soon as facts are reported to prosecution authorities or the social welfare services;
- Interviews shall be carried out in premises designed or adapted for this purpose by a practitioner specially trained for this purpose or with his/her assistance. This practitioner or assistant should be the same sex as the child. To the extent that it is possible, interviews should be conducted by the same person.
- During the interviews, the child victim may be accompanied by representative parent or legal guardian or by another adult of his/her choice, unless a decision to the contrary is adequately justified in relation to this person.
- The child victim may be cross examined without being present in the courtroom, by using appropriate technical equipment⁷². The video conference system connects the children's house (see below) with the competent courts.
- The court and the prosecuting authorities shall discourage the publication of information⁷³ that might lead to identification of the child, in order to protect his/her right to privacy. Moreover, where the victim or the witness is a child, the Court may order that the hearing or part thereof is held behind closed doors.

In the cases of conflict of interest where the holders of parental responsibility are precluded from representing the child, or the child victim is unaccompanied child or separated from his/her family, the Director of the Social Welfare Services shall be appointed as the child's representative in order to represent him/her in the context of the proceedings⁷⁴. In such cases the social welfare services may cooperate with the Commissioner for the Protection of Children's Rights⁷⁵. In cases where there is or could be a conflict of interest between the child victim and the holders of parental responsibility, the child victim reserves his/her the right to legal advice and representation, in his/her own name.

In line with the abovementioned provisions and in accordance with the National Strategy and the Action Plan to Combat Sexual Abuse and Exploitation of Children and Child Pornography

⁷² In fact, CYTA, - the national telecommunications provider, has agreed to offer a Video Conference System worth €15.310, for the cross-examination of child victims and witnesses (Inter-ministerial Committee, 2016). Inter-ministerial Committee of Ministers of Education and Culture, Labour, Welfare and Social Security, Justice and Public Order and Health (2016). National Strategy and Action Plan to Combat Sexual Abuse and Exploitation of Children and Child Pornography. Retrieved from: [http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/All/070F867D2763F568C2257FC70024C4F4/\\$file/1%20NATIONAL%20STRATEGY%20TO%20COMBAT%20CHILD%20ABUSE.pdf](http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/All/070F867D2763F568C2257FC70024C4F4/$file/1%20NATIONAL%20STRATEGY%20TO%20COMBAT%20CHILD%20ABUSE.pdf) (in English)

⁷³ This is to prevent the disclosure of such information to the public in general.

⁷⁴ In practice, the Director delegates the cases to SWS officers but retains the supervision of each case.

⁷⁵ As foreseen in the Commissioner For The Protection Of Children's Rights Laws 74(I)/2007 and 44(I)/2014

2016-2019⁷⁶, the Council of Ministers took the decision for the development and operation of the Children's House.

The Children's House was created based on the Barnahus model. Its operation is funded by the State Aid Plan of Minor Importance and it is managed by the Ministry of Labour, Welfare and Social Insurance. The coordination of the Children's House is undertaken by the NGO "Hope for Children" CRC Policy Center, and with the cooperation of professionals from the Cyprus police, mental health services, welfare services, and medical services. Through this multidisciplinary and interagency co-operation, the main objective of the House is the provision of a range of services, in one place, where child-friendly processes take place for handling all cases of child sexual abuse or exploitation. Services being provided include forensic interview, psychological and social support, therapy and rehabilitation.

Other provisions which ensure the protection of child victims during the criminal proceeding include the issuing of interim restraining order prohibiting the offender from approaching the victim (e.g. enter or remain in the child's residence), or court order for the removal of a minor and his/her placement under the care of the Social Welfare Services (Law 91(I)/2014, art. 33 and 34; Law 119 (I)/2000, art. 21, 22, 23).

The protection of child victims during criminal proceedings has been greatly respected in practice. Practitioners confirmed that the interviews with child victims are always audiovisually recorded, while a special representative by the competent authorities is always appointed if there is a conflict of interest and/or the holders of parental responsibility are precluded from representing a child victim⁷⁷. Moreover, the child victim is usually granted the right to legal advice and representation, in his or her own name, when there may be a conflict of interest between the child victim and the holders of parental responsibility⁷⁸.

⁷⁶ Inter-ministerial Committee of Ministers of Education and Culture, Labour, Welfare and Social Security, Justice and Public Order and Health (2016). National Strategy and Action Plan to Combat Sexual Abuse and Exploitation of Children and Child Pornography. Retrieved from: [http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/All/070F867D2763F568C2257FC70024C4F4/\\$file/1%20NATIONAL%20STRATEGY%20TO%20COMBAT%20CHILD%20ABUSE.pdf](http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/All/070F867D2763F568C2257FC70024C4F4/$file/1%20NATIONAL%20STRATEGY%20TO%20COMBAT%20CHILD%20ABUSE.pdf) (in English)

⁷⁷ Vociare online survey results and interviews no. 1 and 2.

⁷⁸ Vociare online survey results.

ARTICLE 25 - TRAINING OF PRACTITIONERS

Member States shall ensure that officials likely to come into contact with victims, such as police officers and court staff, receive both general and specialist training to a level appropriate to enable them to deal with victims in an impartial, respectful and professional manner.

Member States shall request that those responsible for the training of lawyers, judges and prosecutors involved in criminal proceedings make available both general and specialist training to increase awareness of the needs of victims.

Member States shall encourage initiatives enabling those providing victim support and restorative justice to receive adequate training and observe quality standards to ensure such services are provided in an impartial, respectful, and non-discriminatory manner.

Training shall aim to enable the practitioners to recognise victims and to treat them in a respectful, professional and non-discriminatory manner.

Training shall aim to enable the practitioners to recognise victims and to treat them in a respectful, professional and non-discriminatory manner.

Article 25 of the Victims' Directive is of great significance for the implementation of the Directive in practical terms, as it ensures that all professionals who come in contact with victims of crime have received general and specialised training in order to enable them to recognise victims, treat them in a respectful and non-discriminatory manner and respond effectively to their needs by appointing appropriate measures for the victims' protection and make effective referrals to victim support services. In Cyprus, article 25 was transposed into national Law 51(I)/2016 in its article 24. Article 24 states that the Republic shall provide the necessary recourses to the services involved for both general and specialist training of their officers who are involved in any procedure provided for in Law 51(I)/2016 or come into contact with victims or potential victims. Special emphasis is given on the training on the needs of vulnerable victims. Moreover, article 52 of Law 91(I)/2014 states that competent authorities are obliged to inform and educate their officers who come in contact with children and child victims or potential child victims in order to be able to assist in prevention level, identify victims and treat them effectively.

Thus far, a range of general and specialised training opportunities for professionals has been noted. More specifically, there are trainings for the judicial authorities, for the police authorities, as well as for professional working in victim support services⁷⁹. With regard to the judicial authorities, there are training programs for judges established by the Supreme Court (offered also to judges of the first instance courts, and to Family Court judges). These training programs refer to issues on the administration of justice, as well as on the psychology of the witness and advocates, on dealing with children, on the behaviour towards the public, and many more useful thematic. Moreover, judges attend training seminars offered by the European Union⁸⁰. Yet such trainings to the judicial and prosecuting authorities are offered on sporadic basis and not systematically, while they may be optional⁸¹.

With regard to the training of police officers, Cyprus Police Academy provides annual and periodically trainings on subjects related to victims of crime⁸². General training for all types of victims is included in the basic Training Programmes for Recruits Police Officers. Specialised courses of higher levels of police education also take place. Other specialised courses, such as interviewing vulnerable witnesses, domestic violence issues, obtaining video recorded statements, child (sexual) abuse, trafficking in human beings etc., are offered annually or periodically in an effort to provide sufficient training to police officers of all ranks in order to be able to identify victims and assess their needs in a respectful, sensitive, professional and non-discriminatory manner⁸³. Moreover, short seminars are offered to in service personnel, aiming at updating the knowledge on current trends in the law and in police practice related to issues on the protection and support of victims. Seminars may be provided to police officers working at provincial police stations. Moreover, police officers participate in training courses offered abroad, in an effort to exchange knowledge and good practices.

Yet as all professionals themselves acknowledge, the training regarding the needs of victims offered thus far is neither sufficient nor insufficient, especially for judges. Providing sufficient training will improve the professional capacity of the practitioners who come in contact with victims of crime, while the creation of a relevant registry where all professionals will be registered after they receive adequate training will safeguard and contribute to offering high quality services to victims of crime⁸⁴.

79 IVOR project – national factsheet for Cyprus, op. cit.

80 Vociare interview no. 4.

81 Ioannidou (2014), op. cit.

82 Ioannidou, 2014; IVOR project – national factsheet for Cyprus.

83 Ioannidou (2014), op. cit.

84 Vociare interview no. 5.

ARTICLE 26 - COOPERATION AND COORDINATION OF SERVICES

Member States shall take appropriate action to facilitate cooperation between Member States to improve victims' access to the rights set in the Directive and such cooperation shall at least aim at: a) exchange of best practices; b) consultation in individual cases; c) assistance to European networks working on matters directly relevant to victims' rights.

Member States shall take appropriate action aimed at raising awareness of the rights set out in the directive, reducing the risk of victimisation, and minimizing the negative impact of crime and the risk of secondary and repeat victimisation, of intimidation and retaliation, in particular targeting groups at risk such as children, victims of gender-based violence and violence in close relationships.

Although Article 26 of the Victims' Directive was not transposed into Law 51(I)/2016, several protocols of cooperation, manuals of interdepartmental procedures and action plans have been developed, promoting and facilitating the cooperation and coordination of services. Current documents include: the Manual of Interdepartmental Procedures for Handling Incidents of Violence in the Family for Children⁸⁵, the Action Plan against Trafficking in Persons 2016-2018⁸⁶, the Strategic Action Plan for Equality between Men and Women 2014-2017⁸⁷, the Risk Assessment Protocol in cases of Domestic Violence⁸⁸.

Under these protocols and action plans, multi-thematic groups of competent authorities, awareness raising initiatives, informative leaflets, training and seminars, as well as research programs are organised and carried out for the information and sensitisation of the professionals

⁸⁵ Ministry of Labour, Welfare and Social Insurance, and Advisory Committee for the Prevention and Handling of Violence in the Family, (2017), Manual of Interdepartmental Procedures for Handling Incidents of Violence in the Family for Children («Εγχειρίδιο Διατμηματικών Διαδικασιών για τη διαχείριση περιστατικών βίας στην οικογένεια για παιδιά»). Cyprus: Advisory Committee for the Prevention and Handling of Violence in the Family. Retrieved from: http://www.familyviolence.gov.cy/upload/downloads/egxeiridio_diatmimatikon_diadikasion_paidia_2017.pdf

⁸⁶ Multi-Disciplinary Coordinating Group for Combating Trafficking in Human Beings (Πολυθεματική Συντονιστική Ομάδα κατά της Εμπορίας Προσώπων) (2017), Action Plan against Trafficking in Persons 2016-2018 (Σχέδιο Δράσης κατά της Εμπορίας Προσώπων). Cyprus: Press and Information office. Retrieved from:

⁸⁷ National Machinery for Women's Rights (Εθνικός Μηχανισμός για τα Δικαιώματα της Γυναίκας). Strategic Action Plan for Equality between Men and Women 2014-2017. Cyprus: Ministry of Justice and Public Order. Retrieved from:

⁸⁸ Ministry of Justice and Public Order, Cyprus Police (2018). Risk Assessment Protocol in cases of Domestic Violence.

and the public. Especially for minors, the Ministry of Education and Culture has established an Emergency Response Group aimed at supporting schools for the immediate handling of severe cases of juvenile delinquency, as well as child victimisation, and in cooperation with the competent authorities protect child victims. Moreover, the Observatory on Violence in School records and analyses data on violence within schools.

Furthermore, several public organisations and NGOs participate as coordinators or partners in EU-funded projects which facilitate the exchange of best practices, as well as relevant European networks working on matters of victims' support and protection. For example, the Association for the Prevention and Handling of Violence in the Family is currently coordinator and partner in many EU-funded projects on domestic violence, victims' support, and child abuse issues: project 'Support, training, exchange practices for Gender Based Violence - STEP4GBV', project 'Systemic Approaches for Equality of Gender-SAFER', project 'Project VOCIARE: Victims of Crime Implementation Analysis of Rights in Europe', project 'CIRCLE OF CHANGE, Preventing and Combating violence against women and girls through gender equality awareness'. Moreover, the Association is member in many European networks such as the [European Women's Lobby \(EWL\)](#), the [Women Against Violence Europe \(WAVE\)](#), the [WWP EN – Working With Perpetrators European Network](#), the [Missing Children Europe](#), the [child Helpline International \(CHI\)](#), and the [European Family Justice Center Alliance](#).

Such initiatives seem to have been effective at least to some extent, since most professionals responded positive to the survey question on whether they are aware if the government of Cyprus initiated, sponsored or otherwise ensured awareness-raising campaigns. However, they evaluated such campaigns as neither efficient nor inefficient. Mixed results were collected on whether the government initiated, sponsored or otherwise supported or ensured research and education programmes. Indeed, due to the relatively short time from the enactment of Law 51(I)/2016, none research on the implementation of the Victims' Directive in Cyprus was found, while education programmes are still few. Overall, most professionals agreed that services coordination exists to some level, yet there are still many improvements to be made. The case overload in combination with the lack of infrastructures and the inadequate training of the professionals were identified as the main gaps in practice.

GOOD PRACTICES

During the survey and interview procedures as well as the general desk research regarding the development of this report in Cyprus, a number of good practices were identified concerning the practical implementation of the Directive.

Child victims:

- The **National Strategy and Action Plan to Combat Sexual Abuse and Exploitation of Children and Child Pornography 2016-2019**⁸⁹ (“NS”) constitutes the basic policy text which guides the actions of the competent authorities for the next three years. The document sets the policy directions and operates as a guide for the coordination and implementation of actions and initiatives to prevent and combat child sexual abuse and exploitation and child pornography in Cyprus. For the purpose of the elaboration of the NS, an Inter-ministerial Committee has been established, named the “Voice”, comprising the Ministers of Education and Culture, Labour, Welfare and Social Security, Justice and Public Order and Health. The role of the Committee is to monitor the implementation of the NS, to coordinate the relevant activities, to disseminate information and education in the society, to conduct scientific research, to develop guidelines and best practices, etc. The Committee meets at least once a month, taking active role in planning and approving programs on preventing and handling child abuse, and organising relevant events. The Committee is also planning to launch a relevant website for children and their parents, and will later release its first report.
- The **Children’s House**: the house was created as a safe place operating under the one-stop-shop approach for cases of child sexual abuse and exploitation. The services provided there include the evaluation of the child and his/her family, the conduct of the forensic examination and of the audiovisually recorded statement of the child, individual assessment of the victims’ and their families’ needs for support, as well as providing support and treatment services for the child victim and his/her family. Since the establishment of the Children’s House, the processing time of the cases’ investigation and prosecution has been reduced, while secondary victimisation of the child victims is prevented as all examinations are held in child-friendly environment and by especially

89 Inter-ministerial Committee of Ministers of Education and Culture, Labour, Welfare and Social Security, Justice and Public Order and Health (2016). National Strategy and Action Plan to Combat Sexual Abuse and Exploitation of Children and Child Pornography. Retrieved from: [http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/All/070F867D2763F568C2257FC70024C4F4/\\$file/1%20NATIONAL%20STRATEGY%20TO%20COMBAT%20CHILD%20ABUSE.pdf](http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/All/070F867D2763F568C2257FC70024C4F4/$file/1%20NATIONAL%20STRATEGY%20TO%20COMBAT%20CHILD%20ABUSE.pdf) (in English)

trained professionals.

- The **Coordinating Committee for the Prevention and Combating of Sexual Abuse and Exploitation of Children of the Ministry of Education and Culture** (MOEC) has published a manual for educationalists on the recognition and management of child sexual abuse incidents⁹⁰. The manual includes extensive information on child sexual abuse and exploitation, guidance with some indications of possible child sexual abuse, school-based procedures of managing such cases and inter-agency cooperation, as well as other actions for the prevention of child sexual abuse within school. The manual was distributed to educationalists and is used to guide them on how to handle such incidents.

Women victims:

- The **Strategic Action Plan for Equality between Men and Women 2014-2017**⁹¹ was issued by the National Machinery for Women’s Rights and was used as a guide in planning actions and policies to ensure the equal treatment of women and men in all sectors of the society. The Plan includes a chapter for the prevention and handling of violence against women. The Action Plan for 2018-2021 is currently being drafted and will soon be entered into public consultation before its official publication.
- The **Advisory Committee for the Prevention and Handling of Violence in the Family**⁹² was established in accordance with the Violence in the Family (Prevention and Protection of Victims) Laws 119(I) of 2000 and 212(I) of 2014, and its objectives include the monitoring, as well as the planning and realisation of awareness-raising activities, trainings and researches on domestic violence issues in Cyprus. The Committee meets on a monthly basis, while it cooperates with relevant services and organisations.
- The **National Action Plan for the Prevention and Combating of Violence in the Family (2017-2019)**, was developed by the Advisory Committee for the Prevention and Handling of Violence in the Family and includes policies and measures for the prevention and handling of domestic violence⁹³. The National Action Plan was developed taking into account the results of the evaluation of the previous National Action Plan (2010-2013), which showed the need for strengthening interdepartmental and interagency cooperation,

90 Coordinating Committee for the Prevention and Combating of Sexual Abuse and Exploitation of Children (2017). Manual for educationalists on the recognition and management of child sexual abuse incidents. Cyprus: Ministry of Education and Culture. Retrieved from: <http://enimerosi.moec.gov.cy/archeia/1/ypp6797b>

91 National Machinery for Women’s Rights (Εθνικός Μηχανισμός για τα Δικαιώματα της Γυναίκας). Strategic Action Plan for Equality between Men and Women 2014-2017. Cyprus: Ministry of Justice and Public Order. Retrieved from:

92 <http://www.familyviolence.gov.cy>

93 Advisory Committee for the Prevention and Handling of Violence in the Family (Συμβουλευτική Επιτροπή για την Πρόληψη και Αντιμετώπιση της Βίας στην Οικογένεια), (2017), National Action Plan for the Prevention and Combating of Violence in the Family (2017-2019) (Εθνικό Σχέδιο Δράσης για την Πρόληψη και Καταπολέμηση της Βίας στην Οικογένεια 2017-2019). Cyprus: Advisory Committee for the Prevention and Handling of Violence in the Family. Retrieved from: http://www.familyviolence.gov.cy/upload/downloads/actionplan_2017-2019.pdf

the gender mainstreaming in preventing and handling domestic violence, as well as the expansion of services to domestic violence victims (i.e. 24/7 operation of the Helpline for victims of violence in the family, and shelters) and the enhancement of actions for the prevention of the phenomenon through education and the media. The Plan sets priorities and strategic objectives for monitoring, preventing and handling domestic violence; for the sufficient implementation of the relevant legislation; for the training and capacity building of professionals; for the strengthening of protection and support services for victims of violence in the family; and for the coordination and evaluation of the National Action Plan.

- The **Manual of inter-departmental procedures for handling incidents of violence in the family** was published by the Advisory Committee for the Prevention and Handling of Violence in the Family in 2002 and describes the procedures and provides guidelines for all competent services in regards to the protection and support of minor and adult persons which are involved in and affected by domestic violence⁹⁴. The manual was developed to respond to the need for collecting and monitoring the set of appropriate procedures to be followed by the professionals and competent authorities and organisations who come into contact with incidents of domestic violence. The manual and its implementation was assessed internally in 2004⁹⁵. The evaluation presented positive results in regard to the professionals' awareness of the manual and the procedures; while it stressed the need for more training, for safeguarding collected data, and for the promotion of interdisciplinary working groups. Some gaps were revealed concerning the coordination of the procedures, e.g. minor delays in the communication among the competent services, lack of coordination during the meeting of inter- and multi- disciplinary meetings. The evaluation report provided useful suggestions for the improvement of the inter-departmental services, e.g. simplify procedures, production of communication material for professionals, awareness-raising and training of professionals. Overall, the Manual is being used since its publication as a guidance for the coordination of inter-departmental procedures and a point of reference for the tasks of each service when handling domestic violence cases.
- The **Code of practice for combating of sexual harassment and harassment in employment** was published by the Commissioner for Administration and Human Rights in 2015. The Code is consisted by two volumes, - one which includes directions and advice, and

another which presents general principles and examples⁹⁶. The Code was also adopted by the Ministry of Labour, Welfare and Social Insurance in June 2018, as a Code of practice for the prevention and handling of sexual harassment and harassment in public service⁹⁷. This Code of practice is a necessary measure pursuant to Public Service legislation, while it has been used as a guide for all employees in public services and authorities for the elimination of harassment and sexual harassment in public service and for the equal treatment of all employees.

Reimbursement of expenses for victims and legal aid

This good practice concerns Article 13 (right to legal aid) and Article 14 (right to reimbursement of expenses). According to the data from the surveys as well as the interviews these rights are implemented in Cyprus without serious issues regarding access and exclusion of specific victims. In addition, no delays in reimbursement were mentioned and the system of reimbursement does not seem to discourage the victims in their decision to prosecute.

In addition, regarding the return of property (Article 15), the Police are obliged to reimburse the victim if their property is damaged or destroyed during the criminal investigation.

Cross-border Member States

This good practice concerns Article 17 (rights of victims resident in another Member State). In Cyprus, the same procedure is followed for all victims, regardless if they are non-Cypriot citizens. In addition, Police may take a statement either in the country or by travelling abroad or with the use of video conferencing equipment. Moreover, the victim has the right of reimbursement of travel and accommodation expenses, where necessary, for their attendance during the trial period.

94 Advisory Committee for the Prevention and Handling of Violence in the Family (Συμβουλευτική Επιτροπή για την Πρόληψη και Αντιμετώπιση της Βίας στην Οικογένεια), (2002), Manual of Interdepartmental Procedures for Handling Incidents of Violence in the Family («Εγχειρίδιο Διατμηματικών Διαδικασιών για το χειρισμό περιστατικών βίας στην οικογένεια»). Cyprus: Advisory Committee for the Prevention and Handling of Violence in the Family. Retrieved from: http://www.familyviolence.gov.cy/upload/downloads/egxeiridio_diatmimatikon_diadikasion_200206.pdf

95 Apostolidou, M. (2004). Evaluation report of the Implementation of the Interdepartmental Procedures for Handling Incidents of Violence in the Family. Cyprus: Advisory Committee for the Prevention and Handling of Violence in the Family. Retrieved from: http://www.familyviolence.gov.cy/upload/downloads/aksiologisi_diatmimatikon_diadikasion_200501.pdf

96 Commissioner for Administration and Human Rights (Ombudsman) (2015a). Code of practice for combating of sexual harassment and harassment in employment – directions and advice. Cyprus: Office of the Commissioner for Administration. Retrieved from:

<http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/2348CE8BA625D720C2257E8100412689?OpenDocument#sthash.QfKDbXfR.dpuf>; Commissioner for Administration and Human Rights (Ombudsman) (2015b). Code of Practice for the prevention of sexual harassment and harassment in employment – general principles and examples. Cyprus: Office of the Commissioner for Administration. Retrieved from: <http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/F44ACFD138A8C8B2C2257E7E003F4A24?OpenDocument#sthash.h6QHsxu0.dpuf>

97 Commissioner for Administration and Human Rights (Ombudsman) (2018). Code of practice for the prevention and handling of sexual harassment and harassment in public service. Cyprus: Office of the Commissioner for Administration. Retrieved from:

Avoidance of contact between the victim and offender and victim protection

Regarding Article 19 as well as Article 23, the protection of victims is an important issue in Cyprus and efforts are made in order to protect the victim in all cases that it is considered necessary. The appropriate measures are taken in order for the victim to avoid contact with the offender, with the use of separate waiting areas and making sure that the victim avoids contact with the offender during the interview and the proceedings in general. Efforts are made in order to restructure the building facilities (i.e. in district courts throughout Cyprus) so that different entrance and exit doors are available for victims in order to avoid contact. Victims also have the right to request further protection from the Police. During the interview stage for this report the implementation of these measures was a serious and sensitive issue and no serious concerns were reported regarding the protection of victims with specific protection needs.

Reviewing the victim's case

Another good practice has to do with the victim's right to request for their case to be reviewed as well as provide new information regarding their case. Also, if they seem to disagree with decisions regarding their case they have the right to make a formal complaint to the Police.

GAPS, CHALLENGES, AND RECOMMENDATIONS

During the survey and interview procedures as well as the general research regarding the development of this report in Cyprus, a number of gaps and challenges were identified concerning the practical implementation of the Victims' Directive in Cyprus.

Victim Support Services

Even though there has been an improvement in recent years regarding access to victim support services, the number of services that victims can access is quite limited and there is no generic national victim support service. Specialist services exist but are limited to victims of domestic violence, trafficking, and child victims. Also, these services are not available throughout the country making it difficult for victims that reside in rural areas for example, as this may discourage them from reporting a criminal offence. Mobile support services could provide a solution to this issue.

In addition, practical issues regarding the coordination and cooperation of different services and the case overload may cause unnecessary delays. The existence of a detailed protocol regarding the duties and responsibilities of each service as well as trained individuals with the appropriate responsibilities, could improve some issues regarding delays and coordination.

Interpretation and Translation

Difficulties exist regarding the availability of translators as well as the quality of the interpretation. These issues cause delays and may affect the criminal proceedings and put the victim in an unfavourable position, if performed inappropriately. Some private law-firms and organisations hire their own private translators when required in order to avoid issues with delays and quality. There is no official evidence regarding the identification and training of translators which is also an issue. Also the size and geographic location of Cyprus make it more difficult find or ship translators from a remote location. A solution to this situation could be seen in employing translators who are trained to deal with sensitive cases in a professional and confidential manner. Also, the number of translators speaking a wide variety of languages could improve delays and the quality of the interpretation. Another solution could be to have translators work at a distance through international cooperation (if their presence is not required in the courtroom).

Restorative Justice

Restorative justice services do not exist in Cyprus. During the development of this report it became obvious that no effort is being made about the possibility to introduce such a service in the near future. Introducing restorative practices as alternative or complementary schemes to criminal procedures could contribute to the reduction of court cases, to avoid the stigmatizing nature of criminal proceedings for those involved and, possibly, to prevent secondary and repeated victimisation, intimidation and retaliation of the victims⁹⁸.

Court and Trial Delays

The trial period for most cases may last for approximately 2-3 years. This may be due to case overload, as well as to difficulties concerning the cooperation and coordination of different organisations and authorities involved as well as practical issues that arise during the criminal proceedings, which are time consuming. The use of electronic means and online communication between the judicial authorities and the lawyers could benefit the faster processing of cases. More general, the development of computerised systems to avoid delays during criminal proceedings is recommended.

Data Collection, Statistics and Research

With respect to the victims' privacy and the Law 138(I)/2001 on protection of personal data, all organisations and authorities should develop a data system where they could keep record of the incidences and the victims' reports. This could contribute in recording statistical data which can be used to identifying vulnerable victims or in high-risk of victimisation, to studying the geographical distribution of victimization, and to analysing the efficiency and efficacy of victim support services. New research regarding the victims' needs as well as the identification of the challenges and gaps that both professionals and victims meet in practice should be promoted as a preliminary stage for the design and implementation of new policies as well as the evaluation of the existing ones.

98 Sherman, LW and Strang, H (2007) Restorative Justice: The Evidence. London: The Smith Institute; House of Commons justice Committee (2016). Restorative Justice. Fourth Report of Session 2016-17. UK: house of Commons. Retrieved from: <https://publications.parliament.uk/pa/cm201617/cmselect/cmjust/164/164.pdf>

Training of professionals

Even though training opportunities for professionals who come in contact with victims are available in Cyprus, it is uncertain how often and to what extent they are available for all professionals. Moreover, there is lack of evaluation of those trainings and there is no system of quality assurance. Regular trainings of judges and prosecutors on victims' rights and needs, as well as on communication and questioning methods are highly recommended to be introduced. Awareness raising seminars on the notions of 'victims' and certified trainings on methods, practices and techniques for the support and protection of victims is also recommended for practitioners in public services and NGOs who come in contact with victims. The frequency of training is an essential element in the constant update of the knowledge and capacity building of professionals. Finally, as an interviewee suggested⁹⁹, the creation of a registry of qualified professionals will safeguard and contribute to offering high quality services to victims of crime.

Coordination and cooperation between services

While protocols and other manuals promote the cooperation between all competent authorities and services, as well as suggest ways and mechanisms for the coordination of services, there still seems to be some minor gaps¹⁰⁰ in providing coordinated actions and procedures in which victims are involved. The evaluation of existing policies, the constant renewal of the guidelines and the development of protocols of cooperation among all the relevant services will contribute to better coordination of services and the improvement of the services provided to victims. Moreover, without prejudice to the judicial discretion, a coordinated and systematic implementation of protection measures will contribute to the efficient protection of victims and their families throughout the criminal proceedings.

99 Vociare interview no. 5.

100 These gaps are usually caused by the lack of sufficient training of all professionals involved, and the coordination of the inter-departmental procedures in handling domestic violence cases, e.g. minor delays in the communication among the competent services, lack of coordination during the meeting of inter- and multi- disciplinary meetings, case- and work- overload in competent services. Apostolidou, M. (2004), op.cit.

CONCLUSION

Victims' rights have been strengthened in Cyprus since the enactment of Law 51(I)/2016 which transposed the Victims' Directive into national legislation. While there is yet no official evidence of the extent of the enforcement of Law 51(I)/2016, this report provides an initial evaluation of the practical implementation of the provisions foreseen in the Law.

Using qualitative and quantitative research methods, we collected and presented a variety of legal and policy documents and existing literature. The data collected via the online survey and the interviews provided useful and detailed information on the professionals' views and experience regarding the methods and the quality of the implementation of each Article of the Victims' Directive.

Overall, victims' rights are respected in Cyprus. Most of the provisions of the Victims' Directive have been incorporated more or less in the national legal framework and are put in place during criminal proceedings. Yet, there are still many gaps and challenges that were addressed in the report. These gaps and challenges involve both functional and substantial deficiencies and barriers which prevent an integrated and holistic implementation of the victims' rights.

In sum, the main gaps and challenges which were identified are the lack of adequate training of the professionals, the lack of professionals (especially of translators), the work and case overload in all competent authorities, the reduced geographical coverage of victim support services, the lack of research and statistics, and the absence of restorative practices. Such burdens cause the lack of full implementation of victims' rights, affect the quality of services provided to victims and may reduce the victims' satisfaction and trust to the criminal justice system.

Nevertheless, a range of good practices were also presented in the report. It includes the design and implementation of action plans, national strategies, manuals for professionals, codes of practices, the development of coordinating (interdepartmental) committees, the generalised application of practices, and the constant efforts for improvement. Such good practices should be broadened in all sectors for the protection and support of victims, gradually leading to the establishment of a culture of respect of the victims' rights.

The present national report, an output of project VOciare, provides an overview of the implementation of the Victims Directive in Cyprus. Despite the challenges that are raised, efforts are made for the full enforcement of the provisions of the Law. The most important recommendations to be addressed is the training and capacity building of professionals, the improvement of data collection and statistics, the expansion of victims' support services, the

improvement and acceleration of the administration of justice, and the introduction of restorative practices.

The report concludes with positive view that many efforts are made for the integrated implementation of the Victims' Directive in Cyprus. Future research should be made to assess the progress of the implementation of the Victims' Directive on a national level. In any case, it is important to keep promoting and raise awareness of the public and of practitioners on the victims' rights and victims' needs.

REFERENCES

LEGISLATION

Criminal Procedure Law (Cap 155), Retrieved from: http://www.cylaw.org/nomoi/enop/non-ind/O_155/full.html

Committee on Legal Affairs (2016). Report of the Parliamentary Committee on Legal Affairs on the Law on the Minimum Standards on the Rights, Support and Protection of Victims of Crime Law of 2015. Retrieved from: http://www2.parliament.cy/parliamentgr/008_01/008_02_IE/praktiko2016-03-10.pdf (pp. 1554-1556).

Compensation for Victims of Violent Crimes Law No. 51(I) and 126(I) (Περί αποζημίωσης θυμάτων βίαιων εγκλημάτων νόμος), 1997 and last amended in 2006. Retrieved from: http://www.cylaw.org/nomoi/enop/non-ind/1997_1_51/full.html (in Greek) and [http://www.olc.gov.cy/olc/olc.nsf/all/845D078F0ED6CDF5C22581E500241EA3/\\$file/The%20Compensation%20of%20Victims%20of%20Violent%20Crimes%20Laws%20of%201997%20and%202006.pdf?openelement](http://www.olc.gov.cy/olc/olc.nsf/all/845D078F0ED6CDF5C22581E500241EA3/$file/The%20Compensation%20of%20Victims%20of%20Violent%20Crimes%20Laws%20of%201997%20and%202006.pdf?openelement) (in English)

Compensation for Victims of Violent Crimes (Cross-border Situation) Regulations 328/2006 (Οι περί Αποζημίωσης Θυμάτων Βίαιων Εγκλημάτων (Υπόθεση Διασυννοριακού Χαρακτήρα) Κανονισμοί). Retrieved from: http://www.cylaw.org/KDP/data/2006_1_328.pdf

Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. Official Journal of the European Union, L 315, 14.11.2012, p. 57–73. Retrieved from: <http://eur-lex.europa.eu/eli/dir/2012/29/oj>

Law of Court Interpreting and Legal Translation 2014. N. 18(I)

Law N° 14(III) of 2017 on the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence. Cyprus Gazette, 28/7/2017 Part I(III), N° 4237, pp. 409-487. Retrieved from: http://www.cylaw.org/nomoi/arith/2017_3_014.pdf

Law N° 51(I) of 2016 on the Establishment of Minimum Standards on the Rights, Support and Protection of Victims of Crime Law. Cyprus Gazette, 22/4/2016 Part I(I), N° 4563, pp. 632-644. Retrieved from: [http://www.olc.gov.cy/olc/olc.nsf/all/06F984A74DD4E9FEC225822D00303057/\\$file/The%20Establishment%20of%20](http://www.olc.gov.cy/olc/olc.nsf/all/06F984A74DD4E9FEC225822D00303057/$file/The%20Establishment%20of%20)

[Minimum%20Standards%20...%20-%20L51\(I\)-2016.pdf?openelement](http://www.cylaw.org/nomoi/arith/2016_1_051.pdf) (in English) and http://www.cylaw.org/nomoi/arith/2016_1_051.pdf (in Greek).

Law N° 60(I) of 2014 on the Prevention, Fighting against Trafficking in and Exploitation of Human Beings and Protection of Victims. Cyprus Gazette, 2014-04-15, Part I(I), N° 4441, pp. 352-420. Retrieved from: http://www.cylaw.org/nomoi/arith/2014_1_060.pdf

Law N° 91(I) of 2014 on Preventing and Combating the Sexual Abuse and Sexual Exploitation of Children and Child Pornography. Cyprus Gazette, 2014-07-04, Part I(I), N° 4451, pp. 681-711. Retrieved from: http://www.cylaw.org/nomoi/arith/2014_1_091.pdf

Law N° 109(I) of 2014 providing for the Minimum Guaranteed Income and generally on Social Allowances. Epissimi Efimeris, 2014-07-11, Part I(I), N° 4453, pp. 754-775. Retrieved from: http://www.cylaw.org/nomoi/enop/non-ind/2014_1_109/full.html

Law on Equal Treatment between Men and Women in Employment and Vocational Training 2009 No. 40(I)

Legal Aid Law 165(I) (Ο Περί Νομικής Αρωγής Νόμος) 2002 and its amendments. Retrieved from: http://www.cylaw.org/nomoi/enop/non-ind/2002_1_165/full.html

Processing of Personal Data (Protection of Individuals) Law 2001 No. 138 (I).

Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)

The Commissioner for the Protection of Children's Rights Laws 74(I)/2007 and 44(I)/2014. Retrieved from: [http://www.olc.gov.cy/olc/olc.nsf/all/4414B3354E172298C22575AE003B67D3/\\$file/Children's%20Protection%20Commissioner.pdf?openelement](http://www.olc.gov.cy/olc/olc.nsf/all/4414B3354E172298C22575AE003B67D3/$file/Children's%20Protection%20Commissioner.pdf?openelement) (in English) and http://www.cylaw.org/nomoi/enop/non-ind/2007_1_74/full.html (in Greek)

The Evidence Law (Cap. 9). Retrieved from: http://www.cylaw.org/nomoi/enop/non-ind/O_9/full.html (in Greek).

The Fifth Amendment of the Constitution Law 127(I)/2006. Retrieved from: http://www.cylaw.org/nomoi/arith/2006_1_127.pdf

The Protection of Witnesses Law 95(I) and 15(I) (Ο περί Προστασίας Μαρτύρων Νόμος) 2001 and 2014. Retrieved from: http://www.cylaw.org/nomoi/enop/non-ind/2001_1_95/full.html

The Violence in the Family (Prevention and Protection of Victims) Laws 119(I) of 2000 and 212(I) of 2014 (Ο Περί Βίας στην οικογένεια – πρόληψη και προστασία θυμάτων – νόμος). Retrieved from: www.cylaw.org/nomoi/enop/non-ind/2000_1_119/full.html (in Greek) and http://www.familyviolence.gov.cy/upload/legislation/laws_2000_and_2004_en.pdf (in English)

LITERATURE

Advisory Committee for the Prevention and Handling of Violence in the Family (Συμβουλευτική Επιτροπή για την Πρόληψη και Αντιμετώπιση της Βίας στην Οικογένεια), (2002), Manual of Interdepartmental Procedures for Handling Incidents of Violence in the Family («Εγχειρίδιο Διατμηματικών Διαδικασιών για το χειρισμό περιστατικών βίας στην οικογένεια»). Cyprus: Advisory Committee for the Prevention and Handling of Violence in the Family. Retrieved from: http://www.familyviolence.gov.cy/upload/downloads/egxeiridio_diatmimatikon_diadikasion_200206.pdf

Advisory Committee for the Prevention and Handling of Violence in the Family (Συμβουλευτική Επιτροπή για την Πρόληψη και Αντιμετώπιση της Βίας στην Οικογένεια), (2017), National Action Plan for the Prevention and Combating of Violence in the Family (2017-2019) (Εθνικό Σχέδιο Δράσης για την Πρόληψη και Καταπολέμηση της Βίας στην Οικογένεια 2017-2019). Cyprus: Advisory Committee for the Prevention and Handling of Violence in the Family. Retrieved from: http://www.familyviolence.gov.cy/upload/downloads/actionplan_2017-2019.pdf

Apostolidou, M. (2004). Evaluation report of the Implementation of the Interdepartmental Procedures for Handling Incidents of Violence in the Family. Cyprus: Advisory Committee for the Prevention and Handling of Violence in the Family. Retrieved from: http://www.familyviolence.gov.cy/upload/downloads/aksiologisi_diatmimatikon_diadikasion_200501.pdf

Biffi, E., Mulder, E., Pemberton, A., Santos, M., Valerio M., Vanfraechem, I., and der Vorm, B. (2016). IVOR Report: Implementing victim-oriented reform of the criminal justice system in the European Union. Lisboa, Portugal: APAV - Associação Portuguesa de Apoio à Vítima. Retrieved from: <https://www.apav.pt/ivor/images/ivor/PDFs/IVOR-Repot-WebVersion.pdf>

Commissioner for Administration and Human Rights (Ombudsman) (2018). Code of practice for the prevention and handling of sexual harassment and harassment in public service. Cyprus: Office of the Commissioner for Administration. Retrieved from: <http://www.mlsi.gov.cy/mlsi/mls> Commissioner for Administration and Human Rights (Ombudsman) (2015a). Code of practice for combating of sexual harassment and harassment in employment – directions and advice. Cyprus: Office of the Commissioner for Administration. Retrieved from: <http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/2348CE8BA625D720C2257E8100412689?OpenDocument#sthash.QfKDbXfR.dpuf>

Commissioner for Administration and Human Rights (Ombudsman) (2015b). Code of Practice for the prevention of sexual harassment and harassment in employment – general principles and examples. Cyprus: Office of the Commissioner for Administration. Retrieved from: <http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/F44ACFD138A8C8B2C2257E7E003F4A24?OpenDocument#sthash.h6QHsxu0.dpuf>

Coordinating Committee for the Prevention and Combating of Sexual Abuse and Exploitation of Children (2017). Manual for educationalists on the recognition and management of child sexual abuse incidents. Cyprus: Ministry of Education and Culture. Retrieved from: <http://enimerosi.moec.gov.cy/archeia/1/ypp6797b>

Cyprus Center for European and International Affairs (2016). National Report Practices – Cyprus. Project 'Developing Directive – compatible practices for the identification, assessment and referral of victims', Co-funded by the Justice Programme of the European Union. Retrieved from: http://victimspractices.eu/wp-content/uploads/2018/03/5.7-National-Report_CY.pdf

Cyprus Police (Αστυνομία Κύπρου) (2017). Victims of Crime: Rights, Support and Protection of Victims (). Cyprus: Cyprus Police. Retrieved from: [http://www.police.gov.cy/police/police.nsf/All/COD1A91BDAACCEE7C225813A00232765/\\$file/thimata_eglimatikotitas.pdf?OpenElement](http://www.police.gov.cy/police/police.nsf/All/COD1A91BDAACCEE7C225813A00232765/$file/thimata_eglimatikotitas.pdf?OpenElement)

Department of State, United States of America (2017). Trafficking in Persons Report June 2017. USA: U.S. Department of State Publication. Retrieved from: <https://www.state.gov/documents/organization/271339.pdf>

EuroMed Rights (2017). Cyprus: Situation report on violence against women. Retrieved from <https://www.euromedrights.org/wp-content/.../Factsheet-2017-VAW-Cyprus-EN.pdf>

European Commission, DG Justice (2013), DG Justice Guidance document related to the transposition and implementation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, Ares (2013)3763804, Brussels, 19 December 2013. Retrieved from: <https://e-justice.europa.eu/fileDownload.do?id=05758a3a-9e2e-49a5-a7ec-3737c3ad6876>

FRA – European Union Agency for Fundamental Rights (2014). Victims of crime in the EU: the extent and nature of support for victims. Luxembourg: Publications Office of the European Union. Retrieved from: <http://fra.europa.eu/en/publication/2014/victims-crime-eu-extent-and-nature-support-victims>

FRA – European Union Agency for Fundamental Rights (2015). Violence against women: an EU-wide survey. Luxembourg: Publications Office of the European Union. Retrieved from: <http://>

fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report

FRA (2017). Fundamental Rights Report. Luxembourg: Publications Office of the European Union. Retrieved from <http://fra.europa.eu/en/publication/2017/fundamental-rights-report-2017>

GRETA – Group of Experts on Action Against Trafficking in Human Beings (2015). Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings in Cyprus. France: Council of Europe.

House of Commons justice Committee (2016). Restorative Justice. Fourth Report of Session 2016-17. UK: house of Commons. Retrieved from: <https://publications.parliament.uk/pa/cm201617/cmselect/cmjust/164/164.pdf>

Inter-ministerial Committee of Ministers of Education and Culture, Labour, Welfare and Social Security, Justice and Public Order and Health (2016). National Strategy and Action Plan to Combat Sexual Abuse and Exploitation of Children and Child Pornography. Retrieved from: [http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/All/070F867D2763F568C2257FC70024C4F4/\\$file/1%20NATIONAL%20STRATEGY%20TO%20COMBAT%20CHILD%20ABUSE.pdf](http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/All/070F867D2763F568C2257FC70024C4F4/$file/1%20NATIONAL%20STRATEGY%20TO%20COMBAT%20CHILD%20ABUSE.pdf) (in English)

Ioannidou, M. (2014). Victim Support Services in the EU: An overview and assessment of victims' rights in practice - Cyprus. FRANET contractor: First Elements Euroconsultants Ltd. Retrieved from: <http://fra.europa.eu/en/publication/2012/victim-support-services-eu-overview-and-assessment-victims-rights-practice>

Katschinka, L. (2014). The impact of Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings. In C. Falbo & M. Viezzi (a cura di), Traduzione e interpretazione per la società e le istituzioni (pp. 105-114). Trieste: EUT Edizioni Università di Trieste. Retrieved from: https://www.openstarts.units.it/bitstream/10077/9841/1/9_Katschinka.pdf

LEAP (2016). The Quality of Interpretation in Criminal Proceedings. Retrieved from <https://www.fairtrials.org/wp-content/.../LEAP-Interpretation-Report-Mar2016.pdf>

Ministry of Justice and Public Order, Cyprus Police (2018). Risk Assessment Protocol in cases of Domestic Violence.

Ministry of Labour, Welfare and Social Insurance, (2018). Plan for Grants in Aid Scheme for 2018 (Σχέδιο Κρατικών Ενισχύσεων Ήσσονος Σημασίας 2018). Retrieved from: <http://www.mlsi.gov.cy/mlsi/mlsi.nsf/All/00C503C8B813740AC22580D1003E5381>

Ministry of Labour, Welfare and Social Insurance, and Advisory Committee for the Prevention and

Handling of Violence in the Family, (2017), Manual of Interdepartmental Procedures for Handling Incidents of Violence in the Family for Children («Εγχειρίδιο Διατμηματικών Διαδικασιών για τη διαχείριση περιστατικών βίας στην οικογένεια για παιδιά»). Cyprus: Advisory Committee for the Prevention and Handling of Violence in the Family. Retrieved from: http://www.familyviolence.gov.cy/upload/downloads/egxeiridio_diatmimatikon_diadikasion_paidia_2017.pdf

Multi-Disciplinary Coordinating Group for Combating Trafficking in Human Beings (Πολυθεματική Συντονιστική Ομάδα κατά της Εμπορίας Προσώπων) (2017), Action Plan against Trafficking in Persons 2016-2018 (Σχέδιο Δράσης κατά της Εμπορίας Προσώπων). Cyprus: Press and Information office. Retrieved from:

Multi-Disciplinary Coordinating Group for Combating Trafficking in Human Beings (Πολυθεματική Συντονιστική Ομάδα κατά της Εμπορίας Προσώπων) (2016), Guide for handling cases of human trafficking (Οδηγός για τον χειρισμό περιπτώσεων εμπορίας προσώπων). Cyprus: Press and Information office. Retrieved from:

National Machinery for Women's Rights (Εθνικός Μηχανισμός για τα Δικαιώματα της Γυναίκας). Strategic Action Plan for Equality between Men and Women 2014-2017. Cyprus: Ministry of Justice and Public Order. Retrieved from: <file/%CE%A3%CF%84%CF%81%CE%B1%CF%84%CE%B7%CE%B3%CE%B9%CE%BA%CF%8C%20%CE%A3%CF%87%CE%AD%CE%B4%CE%B9%CE%BF%20%CE%94%CF%81%CE%AC%CF%83%CE%B7%CF%82%20%CE%B3%CE%B9%CE%B1%20%CF%84%CE%B7%CE%BD%20%CE%99%CF%83%CF%8C%CF%84%CE%B7%CF%84%CE%B1%20%CE%91%CE%BD%CE%B4%CF%81%CF%8E%CE%BD%20%CE%BA%CE%B1%CE%B9%20%CE%93%-CF%85%CE%BD%CE%B1%CE%B9%CE%BA%CF%8E%CE%BD%202014-2017.pdf>

Nearchou, J. (2018). 'The Supreme Court blocked the publication of court decisions', article in newspaper Phileleftheros, 5 June 2018. Retrieved from: <http://www.philenews.com/koinonia/eidiseis/article/535597/dikastikos-ponokefalos-ta-prosopika-dedomena142>

Sherman, LW and Strang, H (2007) Restorative Justice: The Evidence. London: The Smith Institute.

Trimikliniotis, N. (2015). The right to interpretation and translation and the right to information in criminal proceedings in the EU. Retrieved from <http://fra.europa.eu/en/country-data/2016/country-studies-project-right-interpretation-and-translation-and-right-information>

WAVE - Women against Violence Europe (2018). WAVE (Women against Violence Europe) Country report 2017. Vienna: WAVE – Women against Violence Europe. Retrieved from: http://files.wave-network.org/researchreports/WAVE_CR_2017.pdf

OTHER SOURCES OF INFORMATION

Commissioner for Personal Data Protection: <http://www.dataprotection.gov.cy>

Commissioner for the Protection of Children's Rights: <http://www.childcom.org.cy>

CyLaw: <http://www.cylaw.org/index.html>

Emergency Response Group, Ministry of Education and Culture:
http://www.moec.gov.cy/seayp/omada_amesis_paremvasis_paravatikotita.html

IVOR project – national factsheet for Cyprus: https://www.apav.pt/ivor/images/ivor/PDFs/Fact_sheet_cyprus.pdf

Law Office of the Republic of Cyprus: http://www.law.gov.cy/Law/lawoffice.nsf/dmlindex_en/dmlindex_en?OpenDocument

Observatory on Violence in School: http://www.moec.gov.cy/paratiritirio_via/

APPENDIX 1 – CONTACT LIST OF INTERVIEWED PROFESSIONALS

#	Name	Institution	E-mail	Phone #
1		Social Welfare Services		
2		NGO Hope for Children		
3		Cyprus Police		
4		Lawyer, private sector		
5		Academic - researcher		



VOCIARE

Victims of Crime
Implementation Analysis
of Rights in Europe



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