



# EVALUATION REPORT

## CYPRUS

### Third evaluation round

#### **GRETA**

Group of Experts  
on Action against  
Trafficking  
in Human Beings

Access to justice  
and effective remedies  
for victims of trafficking  
in human beings

GRETA(2020)04  
Publication: 11 June 2020



COUNCIL OF EUROPE



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## Contents

<b>Preamble .....</b>	<b>3</b>
<b>Executive summary .....</b>	<b>4</b>
<b>I.Introduction.....</b>	<b>6</b>
<b>II. Overview of the current situation in the area of trafficking in human beings in Cyprus ...</b>	<b>8</b>
<b>III. Developments in the legislative, institutional and policy framework for action against human trafficking .....</b>	<b>9</b>
<b>IV. Access to justice and effective remedies for victims of human trafficking .....</b>	<b>10</b>
<b>1. Introduction .....</b>	<b>10</b>
<b>2. Right to information (Articles 12 and 15).....</b>	<b>12</b>
<b>3. Legal assistance and free legal aid (Article 15) .....</b>	<b>14</b>
<b>4. Psychological assistance (Article 12) .....</b>	<b>16</b>
<b>5. Access to work, vocational training and education (Article 12) .....</b>	<b>16</b>
<b>6. Compensation (Article 15).....</b>	<b>17</b>
<b>7. Investigations, prosecutions, sanctions and measures (Articles 22, 23 and 27)..</b>	<b>20</b>
<b>8. Non-punishment provision (Article 26) .....</b>	<b>26</b>
<b>9. Protection of victims and witnesses (Articles 28 and 30).....</b>	<b>27</b>
<b>10. Specialised authorities and co-ordinating bodies (Article 29) .....</b>	<b>29</b>
<b>11. International co-operation (Article 32) .....</b>	<b>31</b>
<b>12. Cross-cutting issues .....</b>	<b>32</b>
a. gender-sensitive proceedings .....	32
b. child-sensitive procedures for obtaining access to justice and remedies .....	33
c. role of businesses .....	34
d. measures to prevent and detect corruption .....	35
<b>V. Follow-up topics specific to Cyprus .....</b>	<b>35</b>
<b>1. Measures to prevent and combat THB for the purpose of labour exploitation .....</b>	<b>35</b>
<b>2. Measures to discourage demand .....</b>	<b>38</b>
<b>3. Identification of victims of trafficking .....</b>	<b>39</b>
<b>4. Assistance to victims .....</b>	<b>41</b>
<b>5. Recovery and reflection period.....</b>	<b>42</b>
<b>6. Co-operation with civil society .....</b>	<b>42</b>
<b>Appendix 1 - List of GRETA's conclusions and proposals for action.....</b>	<b>44</b>
<b>Appendix 2 - List of public bodies, intergovernmental organisations and civil society actors with which GRETA held consultations .....</b>	<b>49</b>
<b>Government's comments.....</b>	<b>51</b>

## Preamble

The Group of Experts on Action against Trafficking in Human Beings (GRETA) was established pursuant to Article 36 of the Council of Europe Convention on Action against Trafficking in Human Beings ("the Convention"), which entered into force on 1 February 2008. GRETA is responsible for monitoring the implementation of the Convention by the parties and for drawing up reports evaluating the measures taken by each party.

In accordance with Article 38, paragraph 1, of the Convention, GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions of the Convention on which the evaluation procedure is based.

The first round of monitoring of the Convention provided an overview of its implementation by State Parties. The second evaluation round of the Convention examined the impact of legislative, policy and practical measures on the prevention of trafficking in human beings, the protection of the rights of victims of trafficking, and the prosecution of traffickers, paying particular attention to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking.

GRETA has decided that the third evaluation round of the Convention will focus on trafficking victims' access to justice and effective remedies, which is essential for victims' rehabilitation and reinstatement of rights, and reflects a victim-centred and human-rights based approach to the fight against human trafficking. A number of provisions of the Convention establishing substantive and procedural obligations are relevant to this topic, in particular articles 12, 15, 23, 26, 27, 28, 29, 30 and 32.

Access to justice and effective remedies is contingent on the fulfilment of a number of preconditions, including prompt and accurate identification of victims of trafficking, the provision of a recovery and reflection period, the availability of material, psychological, medical and legal assistance, access to translation and interpretation, when appropriate, regularisation of the victim's stay, the right to seek and enjoy asylum, and full respect for the principle of *non-refoulement*. These preconditions, corresponding to various provisions of the Convention, have been examined at length during the first and second evaluation rounds of monitoring of the Convention. Consequently, GRETA has decided to ask each State Party for an update on the implementation of GRETA's previous recommendations on selected topics through a separate country-specific part of the questionnaire. GRETA's findings and analysis of these topics are presented in a separate chapter.

## Executive summary

Since the second round of evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, Cyprus has continued to develop the legislative framework relevant to action against trafficking in human beings (THB). Through Law 117(I)/2019, enacted on 26 July 2019, amendments were made to Law 60(I)2014 on Prevention and Combating of Trafficking and Exploitation of Persons and the Protection of Victims. In particular, the penalties for THB were significantly increased, and a new provision concerning the criminalisation of the use of sexual services of victims of trafficking was added.

Cyprus established a National Referral Mechanism (NRM) in 2016, defining the co-operation framework between the relevant services and NGOs for identifying and referring victims of trafficking to services. Further, the Multidisciplinary Co-ordinating Group adopted a new National Action Plan against THB for 2019-2021 at its meeting in September 2019.

Cyprus continues to be primarily a country of destination for trafficked persons. The number of presumed victims of trafficking referred to the Police Office for Combating Trafficking in Human Beings in the period 2015-2019 was 801, of whom 190 were formally identified as victims of THB; 80% of the identified victims were women.

The focus of the third evaluation round of the Convention being on trafficking victims' access to justice and effective remedies, the report analyses in detail the implementation of provisions of the Convention establishing substantive and procedural obligations relevant to this topic.

According to the law and the NRM, initial information on victims' rights should be provided by the Social Welfare Services, which act as the first point of contact with victims of THB. However, the procedure is reportedly not always followed. GRETA considers that the Cypriot authorities should strengthen the provision of information to presumed and formally identified victims of trafficking regarding their rights, the services available and how to access them, as well as the implications of being identified as a victim of trafficking.

No legal aid has been provided to victims of trafficking before or during the investigation, and only two applications for legal aid for the purpose of claiming compensation have been approved by the Attorney General's Office. GRETA urges the Cypriot authorities to strengthen their efforts to facilitate and guarantee access to justice for victims of trafficking by ensuring that they receive specialised legal assistance and free legal aid at an early stage of the criminal proceedings.

Victims of trafficking can claim compensation through criminal proceedings or a civil claim. However, there are no examples of compensation granted by decision of a criminal court judge in human trafficking cases. The setting up of the victim support fund, which can be used to compensate victims of trafficking, has been delayed, and no victim of THB has so far received state compensation in Cyprus. GRETA urges the Cypriot authorities to adopt measures to facilitate and guarantee access to compensation from the perpetrators, including by collecting evidence about the harm the victim has suffered, including the financial gain from the exploitation of the victim, as part of criminal investigations. A procedure should be introduced through which victims are entitled to obtain a decision on compensation from the offender as part of the criminal trial and requiring courts to state, where applicable, why compensation is not considered. Moreover, GRETA urges the Cypriot authorities to set up as a matter of priority a victim compensation fund.

The number of convictions for human trafficking remains low, in particular for trafficking for the purpose of labour exploitation. GRETA considers that the Cypriot authorities should take additional measures to ensure that human trafficking cases are investigated promptly, prosecuted successfully, and lead to effective, proportionate and dissuasive sanctions. To achieve this, further training should be provided to prosecutors and judges in order to ensure that human trafficking cases are not re-qualified into other offences which carry lighter penalties and deprive victims of THB of access to protection, support and compensation.

While welcoming the legal provisions and practice in Cyprus as regards the implementation of the non-punishment provision of the Convention, GRETA considers that the Cypriot authorities should continue taking steps to ensure its application, including through training of police officers, prosecutors and judges, and the issuing of appropriate guidance.

The setting up of the Children's House in Nicosia, which makes it possible to limit the number of interviews of child victims of sexual abuse, is another welcome development. However, GRETA stresses that the practice of cross-examination of child victims of trafficking should be avoided to the extent possible, and additional measures should be taken to ensure that the best interests of the child are the primary consideration in all proceedings relating to child victims of trafficking.

The report examines progress made on the implementation of previous GRETA recommendations on selected topics. The regime for employing overseas domestic workers has been changed, providing for greater flexibility in changing employers. However, there are concerns that the new regime may facilitate trafficking and exploitation of domestic workers. The Cypriot authorities should provide sufficient resources and training to labour inspectors to enable them to fulfil their mandate, as well as ensuring that inspections can take place in private households with a view to preventing abuse of domestic workers and detecting cases of human trafficking.

While welcoming the introduction of the NRM, GRETA considers that the Cypriot authorities should take further measures to ensure that it is effectively implemented, including by providing appropriate training to Social Welfare Services staff and strengthening their capacity to fulfil the role assigned to them by the NRM. The Cypriot authorities should also take additional measures to proactively identify victims of THB among asylum seekers.

GRETA welcomes the good living conditions provided in the state-run shelter for female victims of trafficking and the NGO-run open house. However, GRETA is concerned by the lack of systematic rehabilitation and integration measures for victims of trafficking. Further, vulnerable asylum seekers who are presumed to be victims of THB are provided with a meagre allowance and are expected to find accommodation by themselves, exposing them to risks of sexual and other exploitation. GRETA urges the Cypriot authorities to provide assistance, including safe accommodation, adapted to the specific needs of male victims of THB, as well as to develop a programme for long-term support and integration of victims of THB. The authorities should also review the level of assistance provided to asylum seekers.

GRETA urges the Cypriot authorities to provide in the national legislation for a recovery and reflection period when there are reasonable grounds to believe that a person is a victim of human trafficking, together with all the measures of protection and assistance envisaged by the Convention during this period.

## I. Introduction

1. The Council of Europe Convention on Action against Trafficking in Human Beings (“the Convention”) entered into force for Cyprus on 1 February 2008. GRETA’s first evaluation report on Cyprus was published on 12 September 2011,<sup>1</sup> and the second evaluation report on 6 November 2015.<sup>2</sup>
2. On the basis of GRETA’s second report, on 30 November 2015 the Committee of the Parties to the Convention adopted a recommendation to the Cypriot authorities, requesting them to inform the Committee within a one-year period of measures taken to comply with the recommendation. The report submitted by the Cypriot authorities was considered at the 20th meeting of the Committee of the Parties (10 March 2017) and was made public.<sup>3</sup> Subsequently, on 2 October 2017, the Cypriot authorities submitted additional information as a follow-up to their report sent in reply to the Committee of the Parties’ recommendation.
3. On 20 November 2018, GRETA launched the third round of evaluation of the Convention in respect of Cyprus by sending the questionnaire for this round to the Cypriot authorities. The deadline for submitting the reply to the questionnaire was 20 March 2019 and the authorities’ reply was received on that date.
4. In preparation of the present report, GRETA used the reply to the third round questionnaire by the Cypriot authorities, the above-mentioned report and additional information submitted by them in reply to the Committee of the Parties’ recommendation, and information received from civil society. An evaluation visit to Cyprus took place from 10 to 13 June 2019 in order to hold meetings with relevant governmental and non-governmental actors, collect additional information and examine the practical implementation of adopted measures. The visit was carried out by a delegation composed of:
  - Ms Helga Gayer, Second Vice-President of GRETA;
  - Mr Rudolf Christoffersen, member of GRETA;
  - Ms Evgenia Giakoumopoulou, Administrator in the Secretariat of the Convention.
5. During the visit, the GRETA delegation met members of the Multidisciplinary Co-ordination Group on Combating Human Trafficking. Amongst the officials met by GRETA were representatives of the Ministry of the Interior, the Ministry of Justice and Public Order, the Office for Combating Trafficking in Human Beings of the Cypriot Police, the Asylum Service, the Social Welfare Services, the Department of Labour, the Cybercrime Unit of the Police, and the Unit for Combating Money Laundering. In addition, the GRETA delegation met Mr Costas Clerides, Attorney General, and judges from Assize and District Courts and the Supreme Court. Discussions were also held with the Commissioner for Administration and Protection of Human Rights (Ombudsman) and the Commissioner for Children’s Rights.
6. In the course of the visit, the GRETA delegation visited the state shelter for female victims of trafficking, the Children’s House, an NGO-run open house for victims of trafficking, the Menoyia detention centre for irregular migrants, and the first reception centre for asylum seekers in Kokkinotrimithia.
7. Further, GRETA visited the Cyprus Police headquarters, the Crime Investigation Unit of Nicosia, and the Immigration Police Station at Larnaca Airport. The delegation also joined in an inspection conducted by the Labour Inspection in Nicosia.

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<sup>1</sup> <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680631b94>

<sup>2</sup> <https://rm.coe.int/greta-2015-20-fgr-cyp-w-cmts-en/168078e556>

<sup>3</sup> <https://rm.coe.int/16806fd4a3>

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8. Separate meetings were held with representatives of non-governmental organisations (NGOs) and trade unions, victims of human trafficking, as well as a lawyer and a doctor assisting victims of trafficking. The GRETA delegation also met representatives of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM).

9. The list of the national authorities, NGOs and other organisations with which the delegation held consultations is set out in Appendix 2 to this report. GRETA is grateful for the information provided by them.

10. GRETA wishes to place on record the co-operation provided by the Cypriot authorities and in particular by the contact person appointed to liaise with GRETA, Ms Tania Charalambidou, Administrative Officer at the Directorate of Migration, Asylum and European Affairs of the Ministry of the Interior of Cyprus.

11. The draft version of the present report was approved by GRETA at its 36th meeting (18-22 November 2019) and was submitted to the Cypriot authorities for comments. The authorities' comments were received on 10 March 2020 and were taken into account by GRETA when adopting the final report. The report covers the situation up to 6 April 2020; developments since that date are not taken into account in the following analysis and conclusions. GRETA's conclusions and proposals for action are summarised in Appendix 1.

## II. Overview of the current situation in the area of trafficking in human beings in Cyprus

12. Cyprus continues to be primarily a country of destination for trafficked persons. The number of presumed victims of trafficking in human beings (THB) referred to the Police Office for Combating Trafficking in Human Beings, which is the competent authority performing formal identification of victims, was 178 in 2015, 181 in 2016, 103 in 2017, 177 in 2018, and 162 in 2019. Out of them, the number of formally identified victims of THB was respectively 46 in 2015, 44 in 2016, 23 in 2017, 41 in 2018, and 36 in 2019.<sup>4</sup> Over the period 2015-2019, some 80% of the formally identified victims were female. During this period, the main form of exploitation of the identified female victims was sexual (70), followed by forced marriage (37), labour exploitation (11), a combination of sexual and labour exploitation (25), and illegal adoption (2). As regards male victims, the vast majority was trafficked for the purpose of labour exploitation (32), while three were trafficked for the purpose of committing criminal offences. The total number of identified child victims of trafficking was seven (five girls and two boys; five were trafficked for the purpose of exploitation of begging, one for the exploitation of criminal activities and one for illegal adoption). The great majority of the identified victims were foreign nationals, the main countries of origin being Romania (33), India (26), Bulgaria (18), Ukraine (13) and Bangladesh (9). There were also two identified victims from Cyprus, both women.

13. According to the Cypriot authorities, an emerging trend has been the abuse of visa regimes by criminal networks in order to bring persons into the country for exploitation. Young women from Ukraine, the Russian Federation and the Republic of Moldova arrive in Cyprus on tourist visas which can be obtained from the Internet on biometric passports. Intermediaries reportedly also use tourist visas to bring third-country nationals to Cyprus, putting them in a precarious situation and at a heightened risk of exploitation. There has been an increase in trafficking for the purpose of "sham marriages", a trend already highlighted in GRETA's second report,<sup>5</sup> most of the victims being vulnerable young women from Bulgaria and Romania. Criminal networks increasingly use the internet, social media and communication technologies to recruit victims, as well as maintaining websites that facilitate trafficking and exploitation, such as escort services.

14. There has been an increase in the number of asylum applications in Cyprus during the reporting period, with 4,499 new applications lodged in 2017, 7,761 in 2018, and 4,287 in the first four months of 2019.<sup>6</sup> Approximately 50% of the asylum seekers in 2018-2019 arrived regularly in Cyprus as students, domestic workers and seasonal workers. The other half arrived irregularly either by boats or through the northern part of the island. A significant number of asylum applicants arrived as students at some of the 30 universities operating in the northern part of Cyprus, having reportedly been promised well-paid jobs to cover their expenses, but upon arrival being subjected to exploitation and abuse. There has been a significant increase in the number of asylum seekers identified as presumed victims of THB or at risk of being trafficked, in particular among girls and young women from Syria arriving unaccompanied in the northern part of Cyprus to join "husbands" to whom they have been married by proxy. In addition, an increasing number of applicants from African countries (mainly Cameroon and Nigeria), both women and men, have been identified as presumed victims of trafficking at the Kokkinotrimithia reception centre for asylum seekers. According to information provided by the Cypriot authorities, in the period 2015-2018, a total of 31 persons were referred by the Asylum Service and the Refugee Review Authority to the police as presumed victims of THB. The police formally identified 16 victims of THB whose status at the time of referral was "asylum seeker". GRETA was informed that since 2015, 12 persons had been granted refugee status on the grounds of being victims of THB (primarily from Cameroon and Nigeria).

<sup>4</sup> By way of comparison, the number of identified victims of trafficking was 52 in 2010, 40 in 2011, 37 in 2012, 30 in 2013, 42 in 2014, and 42 by 26 August 2015 (see paragraph 12 of GRETA's second report on Cyprus).

<sup>5</sup> See GRETA's second report on Cyprus, paragraphs 12 and 72.

<sup>6</sup> According to UNHCR data, applicants from 53 countries applied for asylum in Cyprus in 2018, originating primarily from Syria (2,007 persons), South-Eastern Asian countries (India, Bangladesh, Pakistan, Vietnam, Sri Lanka, Nepal, Philippines), Iraq, Iran, as well as African countries (Cameroon, Egypt, Nigeria, Somalia, Eritrea, Ethiopia, Gambia, Ghana, Guinea and Morocco).

### III. Developments in the legislative, institutional and policy framework for action against human trafficking

15. Since GRETA's second evaluation of Cyprus, Law 60(I)/2014 on Prevention and Combating of Trafficking and Exploitation of Persons and the Protection of Victims, which provides the legislative framework for action against THB, has been amended through Law 117(I)/2019, enacted on 26 July 2019. The amendments aim to strengthen the preventive and prosecution framework of the law by considerably increasing the penalties for THB: from a maximum of 10 years to up to 25 years' imprisonment for the basic offence, and to life imprisonment for human trafficking for organ removal (for more details, see paragraph 70). Further, a new Article 17A concerning the criminalisation of the use of sexual services of a victim was added, in addition to the already existing Article 17, which criminalises the use of services provided by victims of trafficking where the client should reasonably have been able to conclude or suspect that the service was provided by a victim of trafficking (see paragraph 155).

16. The Multidisciplinary Co-ordinating Group (MCG), which monitors the implementation of the Anti-trafficking Law and the National Action Plans against THB, is chaired by the Minister of the Interior in his capacity as National Co-ordinator against trafficking in human beings. The Group is supposed to meet three times per year, but GRETA was informed that they had not yet met in 2019 by the time of GRETA's visit in June. According to updated information provided by the Cypriot authorities, in 2019 the MCG held meetings on 19 June, 24 September and 17 December, and its next meeting was planned to take place on 7 April 2020. At the time of GRETA's second visit to Cyprus, four NGOs participated in the Multidisciplinary Co-ordinating Group. However, three of those NGOs decided not to express an interest in renewing their participation in the MCG upon its expiry, reportedly due to the insignificant roles given to the NGOs within the group and the infrequency of meetings.<sup>7</sup> The Cypriot authorities pointed out that two of the NGOs in question did not meet the eligibility criteria of the 2016 call for expression of interest to participate in the MCG, whereas one of the NGOs renewed its expression of interest and continues to participate in the MCG, along with three other NGOs. **In this context, reference is made to the recommendation in paragraph 182.**

17. GRETA was informed that the role of co-ordinating national action against THB would be transferred from the Minister of the Interior to the Minister of Justice and Public Order, as agreed through an exchange of letters in 2019. The Cypriot authorities have confirmed that the Minister of Finance has made a commitment to create a post of Administrative Officer at the Ministry of Justice and Public Order for the purpose of ensuring national co-ordination of anti-trafficking action, but certain legal amendments need to be made to complete the process. **GRETA would like to be kept updated as regards the process of transferring the role of co-ordination of national action against THB. GRETA considers that the Cypriot authorities should strengthen the co-ordination of anti-trafficking action, ensure that the Multidisciplinary Co-ordinating Group is provided with adequate resources, establish clear roles and responsibilities of its members, and reinforce inter-agency co-ordination and co-operation with civil society.**

18. During the period under review, the Multidisciplinary Co-ordinating Group monitored the implementation of the National Action Plans for 2013-2015 and 2016-2018. The Cypriot authorities informed GRETA that the National Action Plan for 2019-2021 had been drafted by the members of the MCG and adopted at the MCG's meeting in September 2019.

<sup>7</sup> See Report by the OSCE Acting Co-ordinator for Combating Trafficking in Human Beings following the official visit to Cyprus, 10-12 September 2018, paragraph 20, available at: <https://www.osce.org/secretariat/422138?download=true>

19. As noted in GRETA's second report on Cyprus, Article 67 of Law 60(I)/2014 provides for the appointment of an external evaluator, who is equivalent to a National Rapporteur.<sup>8</sup> The evaluator's tasks include studying trafficking trends, evaluating the results of action taken in Cyprus to combat trafficking in human beings, and gathering statistical data in co-operation with relevant institutions and NGOs. The role of external evaluator has been assigned to the Commissioner for Administration and Protection of Human Rights (Ombudsman), but an amendment to Law 60(I)/2014 is required to enable the effective performance of this role. According to the Cypriot authorities, a proposal to amend Article 67 of the law has been submitted to the Law Office. In the meantime, despite the fact that the role of the external evaluator had not been assigned officially, the Commissioner for Administration and Protection of Human Rights has conducted *ex officio* enquiries on measures to prevent labour exploitation, the exercise by victims of trafficking of their rights independently of their residence permit, and the support provided to victims accommodated at the state shelter.

## **IV. Access to justice and effective remedies for victims of human trafficking**

### **1. Introduction**

20. Victims of human trafficking, by virtue of their status as victims of crime and victims of human rights violations, have the right to access to justice and effective remedies for any harm committed against them. These rights must be guaranteed, in a gender- and age-sensitive manner, to all victims of trafficking subject to the jurisdiction of parties to the Convention, irrespective of their immigration status or presence on the national territory, and notwithstanding their capacity or willingness to co-operate in any criminal investigation.

21. The right to effective remedies is a reflection of the human rights-based approach underpinning the Convention. Regardless of whether a State is implicated in the trafficking or directly responsible for the harm, the positive obligations arising from international human rights law require States to facilitate and guarantee effective access to remedies if they have failed to take reasonable steps to prevent human trafficking, protect potential or actual victims of trafficking, and effectively investigate trafficking offences.<sup>9</sup>

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<sup>8</sup> See GRETA's second report on Cyprus, paragraph 25.

<sup>9</sup> *Rantsev v. Cyprus and Russia*, application no. 25965/04, judgment of 7 January 2010; *L.E. v. Greece*, application No. 71545/12, judgment of 21 January 2016; *Chowdury and Others v. Greece*, application No. 21884/15, judgment of 30 March 2017.

22. According to the Basic Principles on the Right to an Effective Remedy for Victims of Trafficking in Persons,<sup>10</sup> the right to an effective remedy is considered to include restitution,<sup>11</sup> compensation,<sup>12</sup> rehabilitation,<sup>13</sup> satisfaction<sup>14</sup> and guarantees of non-repetition.<sup>15</sup> All victims of trafficking require access to appropriate and effective remedies, starting with access to justice. The provision of effective remedies serves multiple purposes. The remedy of compensation, for instance, for any injury, loss or harm sustained, can provide critical support in victims' recovery and empowerment, help their social inclusion and prevent re-victimisation. The remedy of rehabilitation can similarly help in victims' recovery, as well as social inclusion. Of relevance in this respect is also the 1985 United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, which outlines the main steps to be taken to improve access to justice, and fair treatment, restitution, compensation and social assistance for victims of crime.<sup>16</sup>

23. The Convention provides specifically for the substantive right of victims of trafficking to compensation and legal redress, as well as for a number of procedural rights necessary to ensure access to these entitlements. These include the rights to be identified as a victim of trafficking, to be granted a recovery and reflection period, as well as a residence permit (to enable a victim to remain in the country and seek access to remedies), and to receive counselling, information, legal assistance and free legal aid. Another important procedural right is provided by the non-punishment provision of the Convention (Article 26), according to which victims of human trafficking must not be subjected to penalties for their involvement in unlawful activities that they have been compelled to commit. Further, the Convention requires State Parties to enable the seizure and confirmation of the assets of traffickers, which could be used to fund State compensation schemes for victims.

24. Children need special support to access remedies, the best interests of the child being the primary consideration in all actions concerning trafficked children. The appointment of legal guardians to represent unaccompanied or separated children plays a vital role in enabling child victims of trafficking to access justice and remedies. Further, facilitating family reunification can be an important element of restitution.<sup>17</sup>

25. Civil society, including NGOs, trade unions, diaspora organisations and employer organisations, plays a vital role in enabling victims of THB to claim compensation and other remedies.<sup>18</sup> In this context,

<sup>10</sup> UN General Assembly, Basic principles on the right to an effective remedy for victims of trafficking in persons, Annex to the Report by the Special Rapporteur on trafficking in persons, especially women and children, 6 August 2014, A/69/269.

<sup>11</sup> Restitution includes restoration of liberty, including release of the victim from detention; enjoyment of human rights and family life, including reunification and contact with family members; safe and voluntary repatriation; temporary or permanent residence status, refugee status, complementary/subsidiary protection or third-country resettlement; recognition of the victim's legal identity and citizenship; restoration of the victim's employment; assistance and support to facilitate social integration or reintegration; return of property, such as identity and travel documents and other personal belongings.

<sup>12</sup> Compensation may cover damages for physical or mental harm; damages for lost opportunities, including employment, education and social benefits; reimbursement of costs of necessary transportation, child care or temporary housing; material damages and loss of earnings; moral or non-material damages; reimbursement of legal fees and other costs relating to the participation of the victim in the criminal justice process; reimbursement of costs incurred for legal, medical or other assistance.

<sup>13</sup> Rehabilitation includes medical and psychological care, legal and social services, shelter, counselling and linguistic support, independently of the capacity or willingness of the victims to co-operate in legal proceedings.

<sup>14</sup> Satisfaction includes effective measures aimed at the cessation of continuing violations; verification of the facts and full and public disclosure of the truth to the extent that such disclosure does not cause further harm or threaten the safety, privacy and other interests of the victims or their families; an official declaration or a judicial decision restoring the dignity, reputation and rights of the victim; public apologies; judicial and administrative sanction against the perpetrators.

<sup>15</sup> Guarantees of non-repetition include ensuring the effective investigation, prosecution and sanctioning of traffickers; all measures necessary to protect victims from re-trafficking; providing or strengthening training of relevant officials; strengthening the independence of the judiciary; modifying practices that cause, sustain or promote tolerance to trafficking, including gender-based discrimination and situations of conflict and post-conflict; effectively addressing the root causes of trafficking; promoting codes of conduct and ethical norms for public and private actors; protecting legal, medical and other professionals and human rights defenders who assist victims.

<sup>16</sup> United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Adopted by General Assembly resolution 40/34 of 29 November 1985, available at: [https://www.unicef-irc.org/portfolios/documents/472\\_un-declaration-crime.htm](https://www.unicef-irc.org/portfolios/documents/472_un-declaration-crime.htm)

<sup>17</sup> UNODC, ICAT Issue Paper, Providing Effective Remedies for Victims of Trafficking in Persons, 2016, pp. 7-8. Available at: [http://icat.network/sites/default/files/publications/documents/Ebook%20ENG\\_0.pdf](http://icat.network/sites/default/files/publications/documents/Ebook%20ENG_0.pdf)

<sup>18</sup> OSCE Compensation for Trafficked and Exploited Persons in the OSCE Region, 2008, pp. 48-53.

reference should be made to the international projects COMP.ACT - European Action on Compensation for Trafficked Persons<sup>19</sup> and Justice at Last - European Action for Compensation of Victims of Crime,<sup>20</sup> which aim to enhance access to compensation for trafficked persons.

26. The private sector should also play a role in enabling access to, as well as providing, remedies to trafficked persons, in accordance with the UN 'Protect, Respect and Remedy' Framework and the United Nations Guiding Principles on Business and Human Rights.<sup>21</sup> The role of businesses includes steps to ensure that their supply chains are free of trafficked labour, as well as the adoption and implementation of measures to facilitate access to remedies for victims for any harm that occurs. Further, businesses have the potential to help trafficked persons regain economic autonomy.<sup>22</sup> States should therefore ensure that business enterprises implicated in human trafficking are held responsible and take steps to reduce barriers that could lead to a denial of access to remedies.

27. Because human trafficking is often a transnational crime, effective international co-operation is essential for fulfilling the obligations with regard to the right to justice and effective remedies. This includes co-operation in tracing and seizing criminal assets, and in returning confiscated proceeds for the purpose of compensation.

## 2. Right to information (Articles 12 and 15)

28. Victims who are no longer under their traffickers' control generally find themselves in a position of great insecurity and vulnerability. Two common features of victims' situation are helplessness and submissiveness to the traffickers, due to fear and lack of information about how to address their situation. Article 12, paragraph 1, sub-paragraph d, of the Convention provides that victims are to be given counselling and information, in particular as regards their legal rights and the services available to them, in a language that they understand. Further, pursuant to Article 15, paragraph 1, of the Convention, Parties must ensure that victims have access, as from their first contact with the competent authorities, to information on relevant judicial and administrative proceedings, in a language they can understand.

29. The information that victims of trafficking must be provided with deals with essential matters, including availability of protection and assistance arrangements, the various options open to the victim, the risks they run, the requirements for legalising their presence in the Party's territory, the various possible forms of legal redress, how the criminal-law system operates (including the consequences of an investigation or trial, the length of a trial, witnesses' duties, the possibilities of obtaining compensation from persons found guilty of offences or from other persons or entities, and the chances of a judgment being fully and effectively enforced). The information and counselling should enable victims to evaluate their situation and make an informed choice from the various possibilities open to them.<sup>23</sup>

30. Many victims do not speak, or barely speak, the language of the country they have been brought to for exploitation. Ignorance of the language adds to their isolation and is one of the factors preventing them from claiming their rights. The provision of translation and interpretation, where needed, is an essential measure for guaranteeing access to rights, which is a prerequisite for access to justice. GRETA has stressed the need for ensuring the availability, quality and independence of interpreters.<sup>24</sup>

31. Pursuant to Article 44 of Law 60(I)/2014, if a person or service believes or has reasonable suspicion that any person may be a victim of trafficking, he/she has to refer the presumed victim to the Social

<sup>19</sup> <http://www.compactproject.org/>

<sup>20</sup> <http://lastradainternational.org/about-lsi/projects/justice-at-last>

<sup>21</sup> United Nations Guiding Principles on Business and Human Rights, implementing the UN 'Protect, Respect and Remedy' Framework, Doc. A/HRC/17/31 (2011).

<sup>22</sup> UNODC, ICAT Issue Paper, Providing Effective Remedies for Victims of Trafficking in Persons, 2016, pp. 8-9.: [https://www.unodc.org/documents/human-trafficking/ICAT/ICAT\\_Policy\\_Paper\\_3.\\_Providing\\_Effective\\_Remedies\\_for\\_Victims\\_of\\_Trafficking\\_in\\_Persons\\_2016.pdf](https://www.unodc.org/documents/human-trafficking/ICAT/ICAT_Policy_Paper_3._Providing_Effective_Remedies_for_Victims_of_Trafficking_in_Persons_2016.pdf)

<sup>23</sup> See Explanatory Report on the Convention, paragraphs 160-162.

<sup>24</sup> See 8th General report on GRETA's activities, paragraphs 168-169.

Welfare Services. According to the law and the National Referral Mechanism (NRM), which was adopted in late 2016 (see paragraph 158), initial information on victims' rights is provided by the Social Welfare Services, which act as the first point of contact with victims of THB. The information covers the organisations that can provide support to victims and the types of support available, the identification process, the conditions and procedure for applying protection measures, the conditions for obtaining legal advice, the international protection application process, and the procedure to claim compensation.

32. As per the NRM, all presumed victims of trafficking have to be referred by the Social Welfare Services to the Police Office for Combating Trafficking in Human Beings, which is obliged, pursuant to Article 32(1) of Law 60(I)/2014, to provide them, at the point of first contact, with information on their rights in the relevant judicial and administrative proceedings, in a language the victim understands. The information given to victims by the police covers the services they are entitled to and the organisations providing support and legal advice, as well as other forms of assistance they may need, notably in the framework of criminal proceedings. Moreover, victims are informed how they can file a complaint against the perpetrator and about the procedure that follows the official complaint, their role and obligations in the proceedings, the conditions under which they can receive protection, legal assistance and legal aid, and the procedure for claiming compensation.

33. The Cypriot authorities have indicated that pursuant to Article 32(2) of Law 60(I)/2014, unless the information is deemed likely to impede the fair and impartial criminal procedure, victims are informed about the course of their official complaint, the progress of the criminal procedure in regard to the defendant, and the decision issued by the court. According to the Cypriot authorities, the provision of such information has never been withheld from victims of THB as the previously mentioned stipulation of Article 32(2) has so far not been invoked. Information is provided to victims on an ongoing basis, taking into consideration the fact that they are regularly in contact with staff of the Police Office for Combating THB, be it directly or through NGOs or the Social Welfare Services.

34. GRETA notes that the provision of information on rights hinges on the person being identified as a victim of THB. GRETA was informed by various stakeholders that in practice, the procedure for identifying and referring victims of THB, as defined in the law and the NRM (see paragraph 158) is not always followed and staff of the Social Welfare Services do not fulfil their duty to inform presumed victims of their rights. In addition, according to civil society actors working with the victims of trafficking, police officers who are not specialised in combating THB are not sufficiently trained to inform victims of THB about their rights. In their comments on the draft GRETA report, the Cypriot authorities have affirmed that social welfare officers provide information on their rights to all presumed victims of THB, and that all police departments have instructions to refer possible victims of THB to the Social Welfare Office and at the same time inform the Police Office for Combating THB.

35. As regards translation and interpretation services, the legislation specifies that the victim has the right to be given information and to be interviewed in a language they understand. Any interaction of the victim with the police should take place in the presence of an interpreter qualified in the relevant language. The Cypriot authorities have indicated that the police has established a record on registered interpreters, and translation and interpretation services are provided to victims of trafficking at all stages of their protection and social support, including during their stay at the state shelter.

36. The authorities have indicated that the interpreters selected to provide services in THB cases are experienced and have sensitivity in this regard. GRETA was informed that a training of interpreters working with victims of trafficking within the Police has been foreseen in the National Action Plan for 2016-2018, and should take place by the end of 2020. Moreover, the Cypriot authorities specified that it is a prerequisite for interpreters working with the Asylum Service to follow the European Asylum Support Office (EASO) online training module for interpreters.

**37. GRETA considers that the Cypriot authorities should strengthen the provision of information to presumed victims and formally identified victims of trafficking regarding their rights, the services available and how to access them, as well as the implications of being identified as a victim of trafficking. The authorities should continue to provide training to Social Welfare Services staff and police officers on how to properly explain to victims their rights at the first point of contact and at later stages.**

**38. Further, GRETA considers that the Cypriot authorities should take further steps to sensitise interpreters to the issue of human trafficking.**

### **3. Legal assistance and free legal aid (Article 15)**

39. Article 15(2) of the Convention obliges Parties to provide in their internal law for the right of victims of trafficking to legal assistance and free legal aid. As court and administrative procedures are often very complex, legal assistance is necessary for victims to be able to claim their rights. It is for each Party to decide the requirements for obtaining such free legal aid. Parties must have regard not only to Article 15(2) of the Convention, but also to Article 6 of the ECHR. Even though Article 6(3)(c) of the ECHR provides for free assistance from an officially appointed lawyer only in criminal proceedings, European Court of Human Rights case-law<sup>25</sup> also recognises, in certain circumstances, the right to free legal assistance in a civil matter on the basis of Article 6(1) of the ECHR. Thus, even in the absence of legislation granting free legal assistance in a civil matter, it is for the courts to assess whether, in the interest of justice, an applicant who is without financial means should be granted legal assistance if unable to afford a lawyer.

40. GRETA's reports highlight the value of a lawyer being appointed as soon as there are reasonable grounds for believing that a person is a victim of trafficking, before the person makes an official statement and/or decides whether to co-operate with the authorities. Early access to legal assistance is also important to enable victims to take civil actions for compensation and redress.<sup>26</sup>

41. Pursuant to Article 33(2) of Law 60(I)/2014, "victims, regardless of their willingness to co-operate with the law enforcement authorities in the criminal investigation, prosecution or trial, shall have the right to immediate access to legal advice in accordance with the Advocates Law, as amended or replaced, and if victims do not have enough financial resources, they are entitled to free legal aid according to the Law on Legal Aid, as amended or replaced." Further, pursuant to Article 36 of Law 60(I)/2014, which concerns assistance to victims in seeking compensation, "any victim of human trafficking, regardless of his/her willingness to co-operate with the law enforcement authorities in the criminal investigation, prosecution or trial, has the right of immediate access to legal advice and legal representation for the claim for damages under the Advocates Law, as amended or replaced, and if the victim does not have sufficient financial resources, he/she is entitled to free legal aid in accordance with the Law on Legal Aid, as amended or replaced".<sup>27</sup>

<sup>25</sup> *Airey v. Ireland* judgment, 9 October 1979.

<sup>26</sup> See 8th General report on GRETA's activities, paragraph 167.

<sup>27</sup> Unofficial translation.

42. Free legal aid is provided by the Law Office of the Republic of Cyprus. Pursuant to Article 6D(2)(a) of Law 165(I)/2002 on Legal Aid, legal aid is provided free of charge to victims of trafficking in proceedings before a District Court for the claim for damages. According to Article 6A(2) of Law 165(I)/2002, free legal aid shall be granted to natural persons in proceedings before a court in Cyprus for a cross-border dispute, involving advice, assistance and representation. Within the meaning of this law, "cross-border dispute" means a dispute in civil and commercial matters where the party requesting legal aid is either a citizen of the European Union or a third-country national.

43. The police inform victims of their right to legal advice, irrespective of the person's decision to cooperate in the criminal proceedings. Legal advice is provided mainly by the police, and in some cases NGOs have provided legal services, including through lawyers contracted by them. The prosecutor is involved when the investigation is completed by the police and from there on is responsible for either giving more directions to the police for further investigation or for submitting the case for prosecution. The prosecutor is considered to be the lawyer of the victim, responsible for providing him/her with any information or support needed after the investigation has been completed and the case submitted to the prosecutor, and therefore the authorities consider that there is no need for victims to be represented by a separate lawyer. Victims cannot join the criminal proceedings as private parties and if they wish to sue for sustained damages, they can do so by private legal representation through civil proceedings (see paragraphs 42 and 59).

44. The Cypriot authorities have indicated that up to date, no legal aid has been provided to victims of trafficking before or during the investigation. According to the data provided to the Police Office for Combating Trafficking in Human Beings, 10 victims<sup>28</sup> filed applications for legal aid for the purpose of exercising their right to compensation. GRETA was informed that the Attorney General's Office had approved two applications for legal aid and opposed two others, while two more applications were still pending a decision.

45. It would appear from the above that trafficking victims' right to legal assistance, representation and legal aid is limited to claiming compensation. In this relation, GRETA was informed that the Commissioner for Children's Rights had alerted the authorities on a number of provisions in Law 60(I)/2014 that are not sufficient to effectively guarantee the rights of child victims of trafficking and would require amending the legislation. The first issue concerns the provision of legal aid, which is not available throughout the proceedings and does not cover the administrative stage. Legal aid or legal advice is apparently only provided to the extent that it is directly related to court proceedings.

**46. GRETA urges the Cypriot authorities to strengthen their efforts to facilitate and guarantee access to justice for victims of THB by ensuring that they receive specialised legal assistance and free legal aid at an early stage of the criminal proceedings, and throughout the latter. A lawyer should be appointed as soon as there are reasonable grounds for believing that a person is a victim of human trafficking, before the person concerned has to decide whether or not to co-operate with the authorities and/or make an official statement. Furthermore, training should be provided to lawyers representing victims of THB.**

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<sup>28</sup> Five men from Bangladesh and three men from India, all trafficked for the purpose of labour exploitation from Bangladesh, and two women from Morocco trafficked for the purpose of sexual exploitation.

#### 4. Psychological assistance (Article 12)

47. Human trafficking and exploitation may have serious psychological and physical consequences for the victims, including mental health problems and loss of self-esteem. Psychological assistance is needed to help victims of trafficking overcome the trauma they have been through, and to achieve a sustained recovery and social inclusion. Some victims require long-term therapeutic attention due to the violence that they have suffered. Every victim of trafficking should have a clinical assessment tailored to include an evaluation of their particular readiness for therapy, conducted by an experienced clinician.<sup>29</sup>

48. Pursuant to Article 47 of Law 60(I)/2014, victims of THB are entitled to psychological support. The Cypriot authorities have indicated that before victims come in contact with the police, they are interviewed by clinical psychologists, assessing their needs, which are duly taken into consideration during the procedure. As noted in GRETA's second report on Cyprus, there is a state shelter in which female victims of sexual exploitation can reside and receive psychological support from a staff member who is a psychologist. The Cypriot authorities have indicated that psychological assessment and counselling to victims of trafficking, whether they reside in the state shelter or not, is provided by the competent mental health services of the Ministry of Health, free of charge, after an initial assessment and referral by a social welfare officer. In 2019, the Mental Health Services created a Specialised Mental Health Assessment Centre, one of the functions of which is to conduct psychological assessment of victims of trafficking upon request by the police and the Social Welfare Services. The Centre is equipped with specialised assessment tools and the clinicians have received specialised training in order to perform these assessments. In addition, psychological support, therapy and counselling is offered free of charge to victims of trafficking at outpatient clinics in all districts of Cyprus. The duration of the support varies depending on the victim's needs. Victims who are highly vulnerable, such as pregnant women and HIV patients, receive long-term psychological support or therapy. As for the clinical psychologists of the Mental Health Services who offer services at the Menoyia detention centre for irregular migrants and the Kofinou reception centre for asylum seekers, they have been trained in early identification and psychological support of victims of trafficking.

#### 5. Access to work, vocational training and education (Article 12)

49. Article 12, paragraph 4, of the Convention requires State Parties to enable victims of trafficking who are lawfully present in the country to have access to the labour market, vocational training and education. An important element of the recovery and successful social inclusion of trafficked persons is their economic empowerment, which can be achieved through job placement, microbusinesses and social enterprises.<sup>30</sup> GRETA has stressed the need to develop public-private partnerships with a view to creating appropriate work opportunities for victims of trafficking.<sup>31</sup>

<sup>29</sup> OSCE, *Trafficking in Human Beings Amounting to Torture and Other Forms of Ill-Treatment* (2013), Vienna, p.115.

<sup>30</sup> Rebecca Surtees, NEXUS Institute, *Re/integration of trafficked persons: supporting economic empowerment*, Issue paper No. 4, King Baudouin Foundation (2012).

<sup>31</sup> See 8th General report on GRETA's activities, paragraph 183.

50. In its second report on Cyprus, GRETA noted that according to Article 47 of Law 60(I)2014, any trafficking victim who holds a temporary residence permit<sup>32</sup> or certificate of identification, including those whose stay in the country was irregular before identification, has the right to access the labour market through the Public Employment Services in the same way as Cypriot citizens. However, many employers are reportedly not aware of this right or reluctant to employ victims of trafficking due to the complex rules regarding the employment of migrant workers. Many victims are unable to work because of the trauma they have suffered, or due to a lack of knowledge of Greek and/or English language, or other reasons related to their exploitation. The Cypriot authorities have indicated that since 2015, 73 victims of THB have been registered as unemployed with the Public Employment Services, and 15 have obtained jobs. Furthermore, four victims found jobs by themselves and informed the Public Employment Services accordingly, while none of the victims requested to receive training or undertake studies.

**51. GRETA considers that the Cypriot authorities should make further efforts to promote the social integration of victims of THB by means of facilitating their access to work, vocational training and education.**

## **6. Compensation (Article 15)**

52. Article 15(3) of the Convention establishes a right of victims to compensation. The compensation is pecuniary and covers both material injury (such as the cost of medical treatment) and non-material damage (the suffering experienced). However, even though it is the trafficker who is liable to compensate the victim, in practice there is rarely full compensation whether because the trafficker has not been found, has disappeared or has declared him/herself bankrupt. Article 15(4) therefore requires that Parties take steps to guarantee compensation of victims. The means of guaranteeing compensation are left to the Parties, which are responsible for establishing the legal basis of compensation, the administrative framework and the operational arrangements for compensation schemes. In this connection, Article 15(4) suggests setting up a compensation fund or introducing measures or programmes for social assistance to, and social integration of, victims that could be funded by assets of criminal origin. Of relevance in this respect is the European Convention on the Compensation of Victims of Violent Crimes, pursuant to which when compensation is not fully available from other sources the State shall contribute to compensate those who have sustained serious bodily injury or impairment of health directly attributable to an intentional crime of violence, as well as the dependents of persons who have died as a result of such crime, even if the offender cannot be prosecuted or punished.

53. Compensation fulfils multiple purposes: payment of reparation for injury, loss or harm caused by the offender, access to justice, empowerment of victims, as well as being seen as a form of punishment and deterrence of traffickers. As such, compensation plays a crucial role in the fight against human trafficking, not only as an instrument of restorative justice, but also by way of prevention and recognition by States of their failure to meet their human rights obligations.

54. Victims often leave the country where they were exploited at the end of the criminal proceedings. This creates obstacles to making civil claims for compensation, which in addition are associated with a number of other barriers, such as high costs, unavailability of free legal aid and victim-support services, as well as the claimant bearing the burden of proof of the amount of the damage. State Parties should therefore consider adopting a procedure through which victims are entitled to obtain a decision on compensation by the offender as part of the criminal trial, within a reasonable time.

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<sup>32</sup> Pursuant to Article 56 of Law 60(I)/2014, the residence permit issued to trafficking victims on the basis of Article 55 is not renewed when the court procedure is completed; at that point the police conduct a risk assessment as to whether the victim can be repatriated or if it is in her/his interest to remain in Cyprus. In addition to the risk assessment carried out by the police, the Civil Registry and Migration Department requests a report from the Social Welfare Services, and in the majority of cases, issues a residence permit for humanitarian or other reasons (Article 56(3)).

55. The legal framework for compensation of victims of THB in Cyprus has remained unchanged since GRETA's second evaluation report.<sup>33</sup> Victims of THB can claim compensation through criminal proceedings or a civil claim. Pursuant to Article 35 of Law 60(I)/2014, victims of trafficking are entitled to claim compensation from the perpetrators, including for special or general damages and any unpaid salaries. When calculating the amount of general damages, the court takes into account the following: a) the extent of the exploitation and the profit the perpetrator made or could have made from exploiting the victim; b) the future prospects of the victim and to what extent they were affected by his/her exploitation; c) the degree of culpability of the perpetrator; and d) the relationship to or the level of authority or influence of the perpetrator in relation to the victim. The court may also award punitive damages. When calculating special damages it takes into account any expenses sustained by the victim as a result of the exploitation, such as repatriation costs. In the event of the death of the victim, the parents or the dependants of the victim have a legal right to compensation.

56. The Cypriot authorities have referred to case-law which provides indications as to the courts' calculation of the compensation when it comes to damages resulting from human rights' violations.<sup>34</sup> According to it, the victim of a human rights violation is entitled to compensation, with the principle of equitable compensation being the measure of compensation for both material and non-material damages, known as moral damages. Such damages include anxiety, sadness, concern, feelings of injustice, adverse effect on lifestyle, pain and suffering.

57. GRETA was not provided with any examples of compensation granted by decision of a criminal court judge in THB cases. As noted in GRETA's second report on Cyprus, compensation is dealt with almost exclusively by civil courts. In other words, it is a process not linked to the criminal justice proceeding against the traffickers since in criminal courts victims of THB are solely seen as witnesses who do not have the right to representation by a lawyer of their own (see paragraph 43).

58. As noted in GRETA's second report, pursuant to Article 60(b) of Law 60(I)2014, victims of THB can remain in the country for a reasonable time after the completion of the criminal proceedings in order to claim compensation. It is legally possible for victims residing abroad to claim compensation in Cyprus on the basis of the fact that the exploitation took place there. According to the Civil Procedure Rules, the plaintiff must sign a retainer to appoint a lawyer who will then proceed with the filing of the case in court. Once all the procedural steps are completed and the case is scheduled for hearing, the victim has to be present at the trial to testify in court. This is especially important as in civil actions the burden of proof lies on the plaintiff. However, in practice, foreign nationals cannot afford to pursue a civil claim from their home countries because of the financial costs involved, whereas remaining in Cyprus for the duration of the civil proceedings is problematic, both from a residence permit and a financial point of view, despite the legal possibility provided for in Article 60(b) of Law 60(I)2014.

59. During the third evaluation visit, NGOs and lawyers representing victims of THB noted the existence of impediments to victims' effective access to compensation. In particular, GRETA was informed of a legal loophole that allows for the rejection of the claim of the victim in the civil proceedings if the accused is acquitted in the criminal proceedings, as the offence is not considered to have been "committed".

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<sup>33</sup> See GRETA's second report on Cyprus, paragraphs 111-115.

<sup>34</sup> *Yiallourous Takis v. Eugeniou Nicolaou* (2001) 1 CRL 558; *Attorney General v. Andrianis Palma and others*, case No. 44/13 19/11/2015.

60. Article 35(1) of Law 60(I)/2014 provides that victims of trafficking have an institutionally entitled right of indemnity, for the payment of special and general damages, including any arrears due to the exploitation of their work. Pursuant to this article, victims of THB can bring civil claims for unpaid salaries. The complaints of migrant workers are firstly filed at the Aliens and Immigration Department, and then the District Offices of the Labour Relations Department undertake to invite both parties to its premises in order to investigate the complaints and seek a mutually acceptable solution on amicable terms. Based on the findings, the Labour Relations Inspector prepares a report and forwards it to the Migration Department, which is responsible for taking the final decision. It is the duty of the employer to pay any owed wages and any other benefits that have not been paid to the complainant. In case where a breach of the employment contract is evident, penalties are imposed to employers, such as no further approvals for employment of third-country nationals. In addition, permission for new employment is given to the complainant. This procedure does not preclude the legal rights of affected employees and victims of labour exploitation to proceed with a civil legal action and file a case with the Labour Disputes Court for unpaid wages on the basis of the Protection of Wages Law. During the reporting period, the Department of Labour Relations examined only one complaint from a victim of THB, as a result of which the employer paid the complainant €800 (€500 for unpaid salaries, plus the return of €300 made as a down-payment by the victim for clothing that she had to wear while working at a spa).

61. The enforcement of compensation orders is regulated by Order 40(1) of the Civil Procedure Rules, according to which: "Where any person is by any judgment or order directed to pay any money, or to deliver or transfer any property movable or immovable to another, it shall not be necessary to make any demand thereof, but the person so directed shall be bound to obey such judgment or order upon being duly served with the same."<sup>35</sup> Further, Article 40(7) of Law 60(I)/2014 provides that: "Every person to whom any sum of money or any costs are payable under a judgment or order shall, as soon as the money or costs are payable, be entitled to apply for the issue of writs to enforce payment thereof, subject to the following: (a) if the judgment or order is for payment within a period therein mentioned, no writ shall be issued until after the expiration of the period; (b) the court or judge may, at or after the time of giving judgment or making an order, stay execution until such time as they shall think fit."<sup>36</sup>

62. As noted in GRETA's second report on Cyprus, Article 62 of Law 60(I)2014 provides for the creation of a fund to support victims of trafficking, in which any fines imposed upon perpetrators as well as the proceeds from confiscations are to be deposited. This fund is supposed to compensate victims who cannot be compensated by the perpetrators, but only if civil claims for compensation are pursued and fail.<sup>37</sup> The setting up of the victim support fund has been delayed, but the Cypriot authorities have indicated that the Ministry of the Interior, which is responsible for it, had created a budget line dedicated for the purpose, in which it had allocated state funds. The Ministry was reportedly in the process of examining practices of other EU Member States for state compensation to victims of trafficking so as to amend the legislation accordingly. No victim of THB has so far received state compensation in Cyprus.

63. If there is a criminal investigation concerning THB, the Cyprus Financial Intelligence Unit (MOKAS) of the Attorney General's Office can file an application to the court to issue a freezing order (see also paragraph 82). When the person is convicted, MOKAS can proceed with a forfeiture order. Where there are identified victims, the confiscated amount is in principle used to compensate the victims; otherwise it is paid to the budget of the Ministry of Finance.

64. During the reporting period, a number of training sessions were organised for relevant stakeholders on combating THB (see paragraph 111), but none focused specifically on enabling victims of THB to obtain compensation.

65. Considering the difficulties experienced in practice by victims of trafficking to receive compensation from perpetrators, **GRETA urges the Cypriot authorities to adopt measures to facilitate and guarantee access to compensation from the perpetrators, and in particular to:**

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<sup>35</sup> Unofficial translation.

<sup>36</sup> Unofficial translation.

<sup>37</sup> See GRETA's second report on Cyprus, paragraph 115.

- **enable all victims of trafficking to exercise their right to compensation, by ensuring access to legal aid and legal assistance at the outset of the criminal proceedings;**
- **build the capacity of legal practitioners to support victims in claiming compensation;**
- **ensure that the collection of evidence about the harm the victim has suffered, including the financial gain from the exploitation of the victim, is part of the criminal investigations with a view to supporting compensation claims in court;**
- **include compensation in the training programmes for prosecutors and the judiciary, and encouraging them to use all the possibilities the law offers to uphold compensation claims by victims of THB;**
- **introducing a procedure through which victims are entitled to obtain a decision on compensation from the offender as part of the criminal trial and requiring courts to state, where applicable, why compensation is not considered;**
- **make full use of the legislation on the freezing and forfeiture of assets to secure compensation to victims of THB, and ensure that recoverable property which is seized in criminal proceedings is returned as soon as possible to the victim;**
- **ensure victims' right to claim compensation through civil proceedings regardless of the outcome of the criminal proceedings;**
- **amend the legislation with a view to ensuring that State compensation is not conditional on failure to obtain compensation through civil proceedings;**
- **set up as a matter of priority a victim compensation fund.**

## **7. Investigations, prosecutions, sanctions and measures (Articles 22, 23 and 27)**

66. One of the purposes of the Convention is to ensure the effective investigation and prosecution of THB. Article 27(1) of the Convention establishes that the investigation or prosecution of THB offences must not depend on victims' reports. The aim is to avoid traffickers' subjecting victims to pressure and threats in attempts to deter them from complaining to the authorities. Pursuant to Article 27(2), if the competent authority with which the complaint has been lodged decides that it does not itself have jurisdiction in the matter, then it must forward the complaint without delay to the competent authority of the Party in whose territory the offence was committed. Further, under Article 27(3), each Party shall ensure to non-governmental organisations and other associations which aim at fighting trafficking in human beings or protection of human rights, the possibility to assist and/or support the victim with his or her consent during criminal proceedings concerning the offence of trafficking in human beings.

67. Article 23 requires Parties to match their action to the seriousness of the offences and lay down criminal penalties which are “effective, proportionate and dissuasive”. Further, paragraph 3 of Article 23 places a general obligation on Parties to adopt appropriate legal instruments enabling them to confiscate or otherwise deprive offenders (e.g. by so called “civil” confiscation) of the instrumentalities and proceeds of human trafficking criminal offences. As trafficking in human beings is nearly always engaged in for financial profit, measures depriving offenders of assets linked to or resulting from the offence are an effective anti-crime weapon. The confiscation of criminal assets is crucial for reinforcing the effect of the penalty, as well as ensuring the payment of compensation to the victim. It requires as a prerequisite to detect, identify and seize the illegal assets at the time of the criminal investigations and to have adequate procedures to do so. Identification, tracing, freezing and confiscating assets should be done at an early stage of the investigation.<sup>38</sup> The identified, seized and confiscated illegal profits of trafficking should be used to compensate victims of trafficking, directly or through a victim compensation fund.

68. Further, Article 22 of the Convention requires Parties to ensure that legal persons can be held liable for human trafficking offences committed for their benefit by any natural person, acting either individually or as part of an organ of the legal person who has a leading position within the legal person. Liability under this article may be criminal, civil or administrative.

69. As noted in paragraph 15, the penalties envisaged by Law 60(I)2014 were considerably increased through Law 117(I)/2019, enacted on 26 July 2019. The penalty for the basic offence of THB (Article 6) was raised from 10 years to up to 25 years imprisonment; the penalty for THB for organ removal (Article 7) was raised from 25 years to life imprisonment, and in the event where the life of the victim is in danger, from 30 years to life imprisonment; the penalty for THB for labour exploitation (Article 8) was raised from 6 years to up to 15 years and in the event where the victim is a child, from 10 years to life imprisonment; the penalty for THB for sexual exploitation (Article 9) was raised from 10 years to up to 25 years; and the penalty for child trafficking (Article 10) was raised from 25 years to life imprisonment.

70. Article 21(1) of Law 60(I)/2014 stipulates that the prosecution of THB cases may proceed even if the victim withdraws his/her complaint or leaves the country, in particular as regards children. Further, Article 34(7) of Law 60(I)/2014 provides that when the victim is a child, the prosecution may proceed even if he/she does not submit a complaint or withdraws his/her complaint. When the investigation is completed, the police are obliged to make recommendations regarding the prosecution of the case. The Attorney General evaluates the evidence and decides whether the case should be presented before the court. This principle applies also to cases where the victim does not wish to testify as a witness.<sup>39</sup>

71. In cases where the victims are not willing to co-operate with the police or where for safety reasons their co-operation is not advised, the police try to investigate cases without the victims’ involvement. GRETA was informed that a victim’s testimony significantly increases the likelihood of reaching a conviction and therefore victims are encouraged and psychologically supported to participate in the investigation and contribute to the judicial proceedings. At the same time, GRETA notes that a number of victims return to their countries of origin after the investigation, while the cases are pending trial, which very often results in acquittals or withdrawal of the cases. GRETA was informed that there is no legal possibility for victimless prosecution.

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<sup>38</sup> See Resolution 20/1 of the UN Human Rights Committee on Trafficking in persons, especially women and children: access to effective remedies for trafficked persons and their right to an effective remedy for human rights violations, available at: <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session20/Pages/ResDecStat.aspx>

<sup>39</sup> See GRETA’s second report on Cyprus, paragraph 141.

72. As in all criminal cases, plea bargaining is possible in cases of THB, upon decision of the Attorney General, taking into account the circumstances of each case and the best interests of the victim. According to the Cypriot authorities, plea bargaining is used when there is no other option for the best handling of the case.

73. In this respect, the authorities informed GRETA of a draft bill for the amendment of Law 60(I)2014, prepared by the Ministry of Justice and Public Order, which provides, *inter alia*, that the examination and cross-examination of a foreign victim who intends to leave the country permanently can be carried out and completed before the court as a matter of priority and in any case, prior to his/her departure from Cyprus. At the time of writing, the bill was expected to be forwarded soon to the Law Office for confirmation.

74. In the period 2015-2018, the Cypriot authorities reported having opened 38 cases of THB for the purpose of sexual exploitation and/or other related offences, in which 35 persons were identified as victims; 15 cases of THB for the purpose of labour exploitation and/or other related offences, in which 28 persons were identified as victims; three cases of THB for the purpose of exploitation of begging, in which two persons were identified as victims; two cases of THB for the purpose of sexual exploitation and labour exploitation, in which three persons were identified as victims; 14 cases of THB for the purpose of committing criminal offence (including forced or sham marriage), in which 27 persons were identified as victims; and five cases of THB for the purpose of committing other criminal offences, in which four persons were identified as victims. Some of these investigations were still ongoing at the time of writing.

75. In 2019, the Police Office for Combating THB investigated two cases of trafficking for the purpose of forced/sham marriages which involved Cypriot victims. The investigations presented several challenges: a diverse profile of the criminal network (third-country nationals acting as recruiters, drivers, escort, receiving money, as well as Cypriot citizens with different backgrounds, including lawyers and employment agents), the fact that the victims consented to the marriage and received remuneration for it.

76. In the period 2015-2018, a total of 58 cases of THB and related offences were submitted by the police for prosecution; some of the cases are still pending. Of these cases, 28 concerned THB for the purpose of sexual exploitation, 16 for the purpose of labour exploitation, nine for the purpose of committing forced/sham marriage, two for the purpose of committing other criminal offences, one for the purpose of both sexual and labour exploitation, one for the purpose of begging, and one for the purpose of illegal adoption. GRETA was informed that it is the policy of the Police Office for Combating THB to open all cases under the Anti-trafficking Law 60(I)2014, but the cases may later be prosecuted under different legislation if there is not sufficient evidence to continue under the Anti-trafficking Law. There is no data available on the number of requalified cases.

77. According to information provided by the Cypriot authorities, in the period 2015-2018, there were final convictions for THB under Law 60(I)2014 in a total of nine cases. In one of the cases, which concerned four victims of THB for the purpose of sexual exploitation, 11 defendants received penalties ranging from nine months to three years' imprisonment (four were convicted of THB and the others of sexual exploitation and living on the earnings of prostitution). In another case of THB for sexual exploitation, two defendants received penalties of eight years' imprisonment. In a case of THB for the purpose of forced/sham marriage, four defendants received penalties ranging from one to five years' imprisonment. Further, in a case of THB for the purpose of labour exploitation, five defendants received penalties ranging from 12 months to five years' imprisonment. The Cypriot authorities have noted that the number of convictions is disproportionate to the prosecutions because the number of prosecutions includes cases which were opened for investigation as THB cases under Law 60(I)2014, but were prosecuted, and resulted in convictions, as other related offences under the Criminal Code. There is also a considerable time-lag between the date of prosecution and the final judgment.

78. Further, in 2015, a 126,000 euros fine was imposed to a legal entity for the offence of THB for the purpose of labour exploitation. The case concerned the exploitation of five victims from India in a hatchery. All five victims were in a vulnerable position as they had paid a significant amount of money before arriving in Cyprus. The employer did not pay their salaries and used the non-renewal of their visas as a means to control them.

79. During its evaluation visit, GRETA received conflicting information concerning the length of proceedings in THB cases. While some interlocutors from law enforcement and civil society raised serious concerns about undue delays, the judiciary provided a number of examples where complex cases involving numerous defendants were finalised before the criminal courts in approximately one year, which appears reasonable. The duration of court proceedings in THB cases varies depending on the circumstances of the case, the number of co-accused, the number of defence lawyers, whether the case is tried at the Assize Court or at the District Courts (the Assize Court cases are processed faster), and the courts' programme.

80. According to the Cypriot authorities, special investigation techniques are used by the police to proactively investigate THB cases, in particular surveillance, access to computer systems and computerised data processing, undercover operations and informants, simulated and controlled purchase of certain objects and simulated bribery, and supervised transport and delivery of objects. In its second report on Cyprus, GRETA noted that as regards special investigation techniques, access to electronic communication was limited and wire-tapping was prohibited by the Cypriot Constitution.<sup>40</sup> During the third evaluation visit, the GRETA delegation was informed that a bill had been prepared by the Ministry of Justice and Public Order to address this issue. On 21 February 2020, the bill was enacted as Law 13(I)/2020 on Protecting the Privacy of Private Communication (Communication Intercepts and Access to Recorded Content of Private Communication), amending Law 92(I)/1996.

81. Law 188(I)/2007 on the Prevention and Suppression of Money Laundering (hereafter, "AML/CFT Law"), as amended by Law 158(I)/2018, provides for the issuance of confiscation orders, freezing of assets orders, and investigations into income identified and linked to illicit activities. Under Articles 14 and 15 of the AML/CFT Law, freezing of illegal assets or the equivalent value property, or realisable property,<sup>41</sup> may take place at the investigation stage so as to secure the availability of the assets for the purposes of future confiscation. Article 7(2) the AML/CFT Law provides for the possibility of extended confiscation, whereby the court may assume that property received by the accused during the last six years prior to the commencement of criminal proceedings constitutes proceeds<sup>42</sup> from the commission of illegal activities. For this purpose, the court may take into account real circumstances and available evidence, including the fact that the property or the expenses of the accused are disproportionate or not justified by his/her lawful income. There is also the possibility for non-conviction based confiscation in cases where the suspects are not within Cypriot jurisdiction or have died. The law allows for the registration and enforcement in Cyprus of foreign freezing and confiscation orders.<sup>43</sup>

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<sup>40</sup> See GRETA's second report on Cyprus, paragraph 142.

<sup>41</sup> Realisable property is any property held by the accused (i.e. not only the proceeds of crime per se but also equivalent value property held by the accused) as well as any unlawful gift made by the accused to a third party or property held by another person to whom the accused has directly or indirectly made a prohibited transfer of property; prohibited transfer of property includes the proceeds of the offence or other property the value of which is equal to such proceeds.

<sup>42</sup> The term "proceeds" is defined in section 2 of the above law as follows: "proceeds" means any kind of property or economic benefit which has been generated directly or indirectly from the commission of illegal activities and includes every subsequent reinvestment or conversion of direct products and every substantial gain.

<sup>43</sup> This can be done either following the Mutual Legal Assistance Procedure (Part IV of the AML/CFT Law) or the procedure established on the basis of Council Framework Decisions 2003/577/JHA and 2006/783/JHA on the mutual recognition in the EU of confiscation orders.

82. The Cyprus Financial Intelligence Unit (MOKAS) was set up pursuant to Article 54 of the AML/CFT Law. MOKAS has the power to give instructions on the basis of Article 55(1)(e) of the AML/CFT Law for the non-execution of a transaction, where there is reasonable suspicion that the transaction relates to money laundering or terrorism financing, for the purpose of analysing a suspicious transaction or for the future issuance or registration of a restraint order or confiscation of assets. MOKAS has to be informed about financial investigations carried out by the Police Office for Combating THB when the proceeds or the assets identified are suspected to be the outcome of human trafficking offences, and can ensure the freezing of assets during the phase of the investigation. The Cypriot authorities informed GRETA that during the reporting period, the Anti-trafficking Police Office and MOKAS exchanged information in 17 different cases, three of which were THB cases investigated by the Anti-trafficking Police Office (the other 14 cases concerned exchange of information regarding suspicious transactions that might be connected with THB, but they were not confirmed). In one of the cases there was insufficient evidence to freeze assets; in the second case a vehicle was confiscated as evidence, but the case was dismissed; and in the third case, MOKAS issued a freezing order for the amount of €10,000, which corresponded to the sum that the victim had been obliged to pay to the trafficker.

83. As regards tracing illegal proceeds, law enforcement agencies may apply to the court and obtain court disclosure orders on the basis of Articles 44 and 45 of the AML/CFT Law, addressed to any physical or legal person (including banks) and obtain information relevant to the investigations. During the period 2015-2018, the provisions of the AML/CFT Law were used in 16 criminal cases which involved 58 accused people. During the same period, there were two convictions based on this law.

84. Even though financial investigations are reportedly carried out in all THB cases, no criminal proceeds have been so far detected on the territory of Cyprus, which, according to the Cypriot authorities, is due to the fact that the transactions are often made in the countries of origin of the victims, before the exploitation phase, and the perpetrators often use the Hawala system to transport money out of the country.<sup>44</sup> The authorities further indicated that co-operation with other countries with regard to financial investigation is not always feasible, especially with non-European countries. Additionally, the authorities noted that the involvement of the police in financial investigations in cases of trafficking in human beings is relatively recent and needs improvement.

85. GRETA was informed that in practice, in cases where it is determined that specific sums of money come from the exploitation of an identified victim, such confiscated money may be returned to the victim, something which is decided on a case-by-case basis. Pursuant to the AML/CFT Law, "monetary sums which are confiscated or received from the sale of assets pursuant to the enforcement of a confiscation order in favour of the Republic, are paid into the budget of the Ministry of Finance under "Proceeds of Confiscation from Illegal Activities", and the monetary sums are used for social purposes."<sup>45</sup> As noted in paragraph 62, Article 62 of Law 60(I)2014 provides for the creation of a fund to support victims of trafficking, in which any fines imposed upon perpetrators as well as the proceeds from confiscations are to be deposited.

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<sup>44</sup> Hawala is an informal money transfer systems in which money is passed on through a network of brokers (known as hawaladars) without the actual/physical movement of cash. It is the transmission of money in ways other than the regular banking routes and hence sometimes called underground banking.

<sup>45</sup> Sections 19 (5) (a) and (b).

86. The Cypriot authorities indicated that the general provision for jurisdiction in Law 60(I)/2014 and the Law on Combating Sexual Abuse and Exploitation of Children and Child Pornography gives several possibilities for the investigation of cases of live streaming of sexual abuse of children. Article 28(2) of Law 60(I)/2014 provides that when a victim reports crimes within the scope of the law which occurred in a different country, the complaint is referred to the country in which the crime was committed, to continue with the investigation. Reversely, Article 28(3) provides that when a complaint is made in another country, but concerns the commitment of a crime in Cyprus, it is forwarded to Cyprus to be investigated in the same manner as if the victim resided in Cyprus. The authorities indicated that there were no victims of live streaming of sexual abuse identified in Cyprus and GRETA noted that the police had very little focus on this phenomenon. **GRETA invites the Cypriot authorities to strengthen their efforts to identify cases of THB involving live streaming of sexual abuse.**

87. GRETA notes that the number of convictions for human trafficking remains low, in particular for trafficking for the purpose of labour exploitation. Furthermore, the information on final convictions referred to in paragraph 77 suggests that the penalties are rather lenient. The authorities have stressed that Law 60(I)2014 provides for the maximum of penalties and the sanctions are at the judicial discretion of the court, following the principle of individualisation of punishment, and thereby taking into account the circumstances of each case and the particular circumstances of the accused. It remains to be seen whether the recent increase in the penalties for THB (see paragraph 70) will have an effect on the sentencing practice. There are no sentencing guidelines for THB.

88. An additional issue of concern is the length of court proceedings, which in some cases may last two to three years or even longer.<sup>46</sup> As it is difficult for victims to remain in Cyprus and have access to the labour market during this period, they often decide to go back to their countries of origin, and when they are asked to participate in the trial via a videoconference, they often refuse to co-operate. GRETA stresses that failure to convict traffickers and the absence of effective, proportionate and dissuasive sanctions undermines efforts to combat THB and guarantee victims' access to justice. GRETA also notes that proactive investigations, extended use of special investigation techniques, financial investigations and the seizure of proceeds of crime or property used for it, including as evidence, would improve the prosecution of THB offences.

89. **GRETA considers that the Cypriot authorities should take additional measures to ensure that THB cases are investigated promptly, prosecuted successfully, and lead to effective, proportionate and dissuasive sanctions. In this context, the authorities should:**

- **strengthen the proactive investigation of THB cases, regardless of whether a complaint about the reported crime has been submitted or not, making use of special investigation techniques in order to gather evidence and not have to exclusively rely on testimony by victims;**
- **continue providing training and encouraging the specialisation of prosecutors and judges to deal with human trafficking cases and ensure that they are not re-classified as other offences which carry lighter penalties and deprive victims of THB of access to protection, support and compensation;**
- **strengthen the conduct of financial investigations in THB cases.**

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<sup>46</sup> See Report by the OSCE Acting Co-ordinator for Combating Trafficking in Human Beings following the official visit to Cyprus, 10-12 September 2018, paragraph 46.

## 8. Non-punishment provision (Article 26)

90. Pursuant to Article 26 of the Convention, Parties must provide for the possibility of not imposing penalties upon victims of THB for their involvement in unlawful activities, to the extent that they have been compelled to do so. As previously stressed by GRETA, the criminalisation of victims of THB not only contravenes the state's obligation to provide services and assistance to victims, but also discourages victims from coming forward and co-operating with law enforcement agencies, thereby also interfering with the state's obligation to investigate and prosecute those responsible for THB.<sup>47</sup> Furthermore, GRETA has noted that the absence of a specific provision on the non-punishment of victims of trafficking entails a risk of differential treatment, depending on the prosecutor in charge of the case.

91. As indicated in GRETA's second report on Cyprus, Article 29 of Law 60(I)/2014 provides that victims of THB are not to be prosecuted and subject to sanctions for their involvement in criminal activities, if those were a direct consequence of the fact that the persons were victims of THB. Third-country nationals who are victims of THB are not prosecuted for the offences of unlawful entry, unlawful residence, unlawful employment or employment contrary to the terms of employment, as defined in the Aliens and Immigration Law cap 105 (1959).<sup>48</sup> If it is revealed during the trial that the actions were related to the state of victimisation, the proceedings are either suspended or concluded with no penalty imposed on the victim of trafficking even if found guilty. The authorities have stated that victims involved in illicit acts as a direct consequence of being trafficked have full access to their rights, including compensation.

92. The Cypriot authorities reported that no identified victims of THB for the purpose of forced criminality have been convicted for offences they were compelled to commit, and that there were nine cases in the period 2015-2018 where victims of trafficking were not prosecuted for offences they had committed. One of the cases concerned a woman from an EU country who was forced to enter into marriage with a third-country national after she was deceived into coming to Cyprus to work. Due to her precarious economic situation, she had no choice but to accept the marriage in exchange for money. Her personal documents were withheld until her husband obtained a residence visa. After she reported the case to the police, she was recognised as a victim of THB and a case was lodged, resulting in the conviction for the defendants. Another case concerned a third-country national brought to Cyprus to work who went to the Aliens and Immigration Service to file a complaint against his employer. Although it was found that the man had overstayed his entry visa without having a residence and working permit, he was referred to the Office for Combating THB which identified him as a victim of THB and he was therefore not arrested for violations of immigration law. The victim filed an official complaint against his employer and the case was still pending trial. **GRETA would like to be kept updated on the outcome of this case.**

93. In case of any indication that a person in an irregular migration situation and/or in detention is a presumed victim of trafficking, the person concerned should be immediately referred to the Social Welfare Services, in accordance with the NRM, with a view to ensuring that he/she is transferred to a shelter, offered assistance, and the identification procedure is initiated.

<sup>47</sup> GRETA's second General Report, paragraph 58.

<sup>48</sup> GRETA's second report on Cyprus, paragraph 137.

94. While welcoming the legal provisions and practice in Cyprus as regards the implementation of the non-punishment provision of the Convention, GRETA notes that the UN Committee on the Elimination of Discrimination against Women in its Concluding observations on the eighth periodic report on Cyprus (2018) refers to reports about victims of trafficking being sometimes arrested, detained and deported.<sup>49</sup>

95. **GRETA considers that the Cypriot authorities should continue taking steps to ensure the application of the non-punishment principle in practice, including through training of police officers, prosecutors and judges, and the issuing of appropriate guidance.**<sup>50</sup>

## 9. Protection of victims and witnesses (Articles 28 and 30)

96. Under Article 28 of the Convention, Parties must take the necessary measures to provide effective and appropriate protection from potential retaliation or intimidation to victims and witnesses of human trafficking, as well as to members of civil society organisations supporting victims during criminal proceedings and, where appropriate, to victims' family members. Intimidation of victims and witnesses is nearly always aimed at suppressing evidence against defendants. Effective protection can be of various types (physical protection, relocation, identity change...) and depends on the assessment of the risks that victims and witnesses run. In addition, Article 28(3) provides that a child victim shall be afforded special protection measures, taking into account the best interests of the child. Regarding the period during which the protection measures are to be provided, the Convention aims in a non-exhaustive manner at the period of investigation and of the proceedings or the period following them. The period in which protection measures have to be provided depends on the threats to the persons concerned. Moreover, because trafficking in human beings is often international and some countries are small, Article 28(5) encourages Parties to enter into agreements or arrangements with other countries so as to implement Article 28.

97. Further, Article 30 of the Convention requires Parties to adapt their judicial procedure so as to protect victims' privacy and ensure their safety, including special protection measures for child victims. While the measures provided for in Article 28 address extra-judicial protection, the measures referred to in Article 30 are concerned with the procedural measures to be introduced. The following means can be used, in accordance with the European Convention on Human Rights and the case-law of the European Court of Human Rights, to achieve the objectives of Article 30: non-public hearings, audio-visual technology, recordings of testimony, and anonymous testimony.

98. As noted in GRETA's second evaluation report on Cyprus, according to Article 3(4) of the Witness Protection Law 95(I)/2001, victims of trafficking are considered to be witnesses who are entitled to protection.<sup>51</sup> The actual protection measures are not specified in the law but are determined by the Attorney General, on the basis of the recommendations formulated by the police after an individual risk assessment is carried out.

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<sup>49</sup> CEDAW, Concluding observations on the eighth periodic report on Cyprus, CEDAW/C/CYP/CO/8, 25 July 2018, paragraph 28.

<sup>50</sup> See OSCE, Policy and legislative recommendations towards the effective implementation of the non-punishment provision with regard to victims of trafficking, 2013, available at: <https://www.osce.org/secretariat/101002?download=true>

<sup>51</sup> See GRETA's second report on Cyprus, paragraphs 151-152.

99. Further, pursuant to Article 5 of Law 95(I)/2001, the court can order specific protection measures to be implemented during the trial, including conducting the trial behind closed doors, the placement of a partition in the court room, the use of CCTV, and the use of any other means or system that will ensure that the witness does not have direct eye-contact with the defendant(s). Moreover, Article 16 of Law 95(I)/2001 provides for the establishment of a programme for the protection of witnesses and collaborators with the judicial authorities, under the control and supervision of the Attorney General, who decides on the specific protection measures to be applied.<sup>52</sup>

100. To avoid intimidation of the victim, the prosecutor can ask for a partition to avoid visual contact with the defendant(s). In a case of sexual exploitation where a child is involved, the proceedings are conducted in camera while the child testifies. The same measures can be taken in cases of adult sexual exploitation, upon request by the prosecutor. During the criminal proceedings, the victims are informed beforehand of the need to appear in court and testify. The prosecutor of the case arranges for a meeting or meetings in order to prepare the victim for the upcoming court procedure and the testimony.

101. In addition, the legislation provides for video recorded statements from the victims and statements given in court through video conference. The use of written statements is the prevalent way of obtaining testimony from adult victims of trafficking. The authorities explained that the main reason for this is that the majority of the victims are foreigners and therefore interpretation services are necessary, as the formalities needed for the video-recorded statements cannot be easily implemented.

102. The Cypriot authorities specified that the main goal in handling victims is not to isolate them in protection programmes, but to empower them in order to reintegrate in the society. Members of the Office for Combating THB arrange meetings with victims of trafficking, before, during and after criminal proceedings in order to conduct regular risk assessments to determine the victims' needs and possible threats. Depending on the individual risk assessments, the members of the Office advise victims on issues related to their safety, discuss with them all the possible solutions and give clear instructions what to do in case of emergency. The assessment carried out by clinical psychologists contributes to the selection of the measures for their protection, which include selecting accommodation according to the outcome of the individual risk assessment, providing new phones and new phone numbers in order to sever contact with the suspect(s) and minimise the risk of retaliation, patrolling of the shelters by the police, and when deemed necessary, escorting the victim by the police or members of NGOs when exiting or returning to the shelter. Furthermore, all victims of THB are accompanied by the police during the trials.

103. The Cypriot authorities indicated that in 2015, the police transported and accompanied victims during criminal proceedings 105 times as part of 25 cases; in 2016, 108 times in 33 cases; in 2017, 46 times in 23 cases; and in 2018, 65 times in 30 cases. The police are in close co-operation with NGOs and there are cases in which victims are transported and escorted to court by NGOs.

104. Moreover, considering the fact that most of the identified victims are foreigners who have families living abroad, protection measures have been put in place for family members of victims. The Cypriot authorities referred to three recent examples where such measures were taken. In 2018, the son of a Ukrainian woman who had been identified as a victim of THB in Cyprus was threatened by the woman's traffickers in Ukraine. Measures were taken to enable him to enter Cyprus on a tourist visa and a risk assessment was conducted by the police upon his arrival, resulting in him obtaining a humanitarian visa and a work permit. In another instance, the wife and two children of a Pakistani victim who had filed a complaint against his traffickers in Cyprus were threatened in Pakistan. The safe arrival of the family in Cyprus was ensured through diplomatic channels and the co-operation of all relevant authorities. A third case concerned a Chinese woman, victim of sexual and labour exploitation, whose five-year old child was under the supervision of the trafficker's family in China. The police was informed and the investigation was suspended until the victim was reunited with her child, through the co-operation of the Cypriot police and the Chinese authorities, and with the involvement of diplomatic channels. After the reunification of the mother with the child, the premises of the suspect in Cyprus were raided and he was arrested.

<sup>52</sup> GRETA's second report on Cyprus, paragraph 151.

105. **GRETA welcomes the steps taken to protect victims of THB and their family members from intimidation and retaliation, and invites the Cypriot authorities to continue ensuring that victims and witnesses of human trafficking are provided with effective protection, including by ensuring that specialised NGOs receive adequate funding for the purpose.**

## **10. Specialised authorities and co-ordinating bodies (Article 29)**

106. Under Article 29(1) of the Convention, Parties have to adopt the necessary measures to promote specialisation of persons or entities in anti-human-trafficking action and victim protection. Each country must have anti-trafficking specialists in sufficient numbers and endowed with appropriate resources. The staff of specialised authorities and coordinating bodies should, as far as possible, include both women and men. To combat trafficking effectively and protect its victims, it is essential that proper training is provided to relevant officials.

107. Since 2015, the role of the Police Office of Combating Trafficking in Human Beings has been enhanced. It investigates all cases of THB throughout the country, performs the formal identification of victims of THB, provides support and guidance to local police departments concerning issues of THB and exploitation, trains police officers and relevant actors, and represents the Cyprus Police in the Multidisciplinary Co-ordinating Group and EMPACT working groups. The Office maintains a single database of THB cases and victims, allowing analyses to be drawn from it. The Office's personnel has been increased, bringing the total number of staff to 12 members: Head, Deputy Head, two persons in the registry, and two shifts consisting of two persons each (two women and two men). One of the investigators is a psychologist. The members of the Office of Combating Trafficking in Human Beings are specialised and experienced officers on THB issues as well as the procedures that need to be followed when they come in contact with presumed victims of trafficking. They undergo regular training on emerging trends and issues on THB, both in Cyprus and abroad, and the handling of victims. The Office also participates in research and co-operation projects, such as the Trafficking as a Criminal Enterprise (TRACE) project.

108. Despite the increase in the staff of the Police Office for Combating Trafficking in Human Beings, many stakeholders considered that it remained understaffed in relation to its mandate and responsibilities. An important proportion of the Office staff's time is reportedly spent solving everyday problems of the victims (e.g. helping them fill out forms, apply for jobs, deal with drug addiction) which normally do not fall under the Office's mandate, but should be taken care of by the Social Welfare Services. Another issue occupying considerable time of the Office's staff is the interviewing of the increasing number of asylum seekers who arrive in Cyprus through the northern part of the island and claim that they have been sexually exploited there. As a result, limited time is left for conducting proactive investigations. GRETA was informed that a change in the structure of the Cyprus Police, which originally foresaw the establishment of an organised crime department combining several existing departments, including the Office for Combating THB, had for the time being been cancelled.

109. The Cyprus Police Academy provides specialised training on THB to all police officers who may come into contact with possible victims of trafficking. The needs in terms of training are defined by the Police Office for Combating THB, taking into consideration the CEPOL's common curriculum when designing training programmes, and include subjects such as the legislative framework, indicators of THB, identification and referral of victims, victims' rights, investigation techniques, emerging trends, and the connection of THB with other crimes. The target groups covered by the training include the Aliens and Immigration Service, the Community Policing, the Criminal Investigation Departments and other law enforcement officers who are entitled to carry out operations. In addition, the topic of THB is included in other curricula of the Police Academy, such as basic training programmes for police officers and sergeants, and crime investigation courses. The training is delivered by staff of the Office for Combating THB according to their availability.

110. In their reply to GRETA's third round questionnaire, the Cypriot authorities have provided a list of the training activities, expert meetings and conferences on THB organised since 2015.<sup>53</sup> The professional groups involved in these activities include police officers, community officers, officers working in detention centres, border guards and immigration officers, municipality officers, and private employment agency staff. Several of the training sessions dealt with financial investigations and asset recovery, child trafficking and child sexual abuse, interviewing techniques and indicators of victimisation.

111. There is no formal specialisation of prosecutors to deal with THB cases, but according to the Cypriot authorities, efforts are made to minimise the rotation of prosecutors working on trafficking cases, while ensuring that regular training is carried out to build up their capacity to deal with THB cases. The Cypriot authorities indicated that the prosecutors handling THB cases acquire specialisation through practice.

112. There is no specialisation of judges to deal with THB cases but it appeared during GRETA's third evaluation visit that there is a serious interest in providing training on THB, notably in the form of inhouse workshops or online trainings. Following its visit, the Cypriot authorities informed GRETA that a specialised training session for judges, and another for legal officers, prosecutors and police officers, were held on 4 and 5 March 2020 in Nicosia, upon the initiative of the Ministry of the Interior, with the support of the US Embassy and in collaboration with the Supreme Court and the Law Office. The training was attended by 24 judges, 5 legal officers of the Supreme Court, 15 legal officers and prosecutors of the Law Office and 16 police officers. Further, in 2019, two district court judges and two Supreme Court judges participated in meetings on the role of the judiciary in combating THB, in Brussels (organised by the EU) and Tashkent (organised by OSCE) respectively.

**113. GRETA welcomes the existence of a specialised Police Office for Combating THB and considers that the Cypriot authorities should continue reinforcing it with a view to ensuring that it has the capacity to proactively investigate THB cases.**

**114. While commending the recent training provided to judges, prosecutors and legal officers on THB, given the low rate of convictions for THB and the absence of compensations awarded to victims of THB, GRETA considers that the Cypriot authorities should further promote the training and specialisation of prosecutors and judges to deal with THB cases (see also paragraph 89).**

**115. Further, GRETA considers that the Cypriot authorities should take additional steps to ensure that all relevant professional groups are regularly trained on preventing THB, identifying and interviewing victims, referring them to assistance and enabling them to exercise their rights. The training should be embedded in the regular training curricula of different professional groups, including law enforcement officials, prosecutors, judges, lawyers, labour inspectors, social workers, child welfare staff, health-care staff, and diplomatic and consular staff.**

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<sup>53</sup> See pp. 9-12 of Cyprus' reply to the third round questionnaire, available at: <https://rm.coe.int/greta-2018-26-cyp-rep-en/168095712f>

## 11. International co-operation (Article 32)

116. Article 32 of the Convention requires parties to co-operate to the widest extent possible to prevent and combat THB, to protect and to provide assistance to victims, and to investigate and prosecute cases of THB. International co-operation between State Parties to the Convention is also essential for enabling access to effective remedies for victims of trafficking. Parties must co-operate with one another "to the widest extent possible". This principle requires them to provide extensive co-operation to one another and to minimise impediments to the smooth and rapid flow of information and evidence internationally. As regards international co-operation in criminal matters for the purposes of investigations or proceedings, the provisions of the Convention neither cancel nor replace the provisions of relevant international or regional instruments<sup>54</sup> on mutual legal assistance and extradition, reciprocal arrangements between Parties to such instruments and relevant provisions of domestic law concerning international co-operation.

117. The Cypriot authorities informed GRETA that in addition to the daily exchange of information via the Europol and Interpol channels of communication, during the reporting period, nine European Arrest Warrants had been issued by the Cypriot police, resulting in six European Arrest Warrants being executed in co-operation with the Greek and Romanian authorities. Moreover, in 2017 the Cypriot police participated in four operational meetings and organised one operational meeting in Cyprus with the Bulgarian authorities. As a result, a Joint Investigation Team (JIT) was formed, simultaneous operations took place and the main suspect of a large organised group for trafficking women for the purpose of sexual exploitation was arrested and put into custody. This allowed for the identification of one victim of human trafficking in Cyprus and eight in Bulgaria, and led to the conviction of two traffickers on 26 March 2019.<sup>55</sup> No criminal assets were found and confiscated either in Bulgaria or in Cyprus.

118. Further, at the time of the visit in June 2019, the Police Office for Combating THB was taking part in the investigation of a high-profile case of human trafficking for the purpose of forced marriage, together with the Polish and UK authorities. A large number of persons involved were checked through the Migration Registry, municipalities or at their given addresses. Four operational meetings took place: one at Europol, two at Eurojust and one in Cyprus. In addition, three European Investigation Orders were executed by the Cypriot authorities, and the answers were sent to the Polish authorities. A JIT was set up with the participation of the Cypriot Police. No criminal assets have been found and confiscated. The case is still under investigation.

119. Another case of THB for the purpose of both sexual and labour exploitation was being investigated in close co-operation with the Chinese authorities. Four women were identified as victims (three from China and one from Vietnam). Charges for THB were brought against a Chinese man and the company of which he is the director. During the investigation, a request was sent to the Chinese authorities via Interpol and through the platform "Chinese EMPACT THB". The investigation was concluded and the case was submitted for trial. During a search conducted at the premises where the exploitation took place, the amount of €4298 was found and confiscated.

120. As regards mutual legal assistance requests, the Office for Combating THB has received and executed five mutual legal assistance requests and four European Investigation Orders since 2015. According to the Cypriot authorities, the Office for Combating THB executed all requests in due time. Two of the European Investigation Orders were received from the Romanian authorities requesting the location of two witnesses in THB cases. The Police located the two witnesses who testified through a secure video line before a Romanian judge. The Cyprus Police have also sent one mutual legal assistance request for execution to the authorities of the Philippines.

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<sup>54</sup> For example, the European Convention on Extradition, the European Convention on Mutual Assistance in Criminal Matters and its protocols, Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member states, the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime.

<sup>55</sup> The first suspect was sentenced to two years and six months' imprisonment and a fine of 90,000 BGN (approximately €45,000) and the second suspect to two years and six months' imprisonment and a fine of 40,000 BGN (approximately €20,000).

121. Further, in the framework of international co-operation, on 22 November 2016, an Israeli national was apprehended and arrested upon arrival at Larnaca International Airport, on the basis of an international arrest warrant issued against him by the Russian authorities for trafficking in human beings for the purpose of the removal of organs.<sup>56</sup> On 23 November 2016, the suspect was brought before Larnaca District Court and extradition proceedings began. On 2 August 2017, the Court ordered the suspect's extradition to Israel, and on 16 August 2017, the suspect was handed over to members of the Israeli authorities and departed for Israel.

122. During the reporting period, the Cypriot police participated in several operations organised in co-operation with Europol in the framework of the implementation of the EMPACT Operational Action Plan, including Joint Action Days for combating THB for the purpose of labour exploitation, sexual exploitation, forced criminality and child trafficking.

**123. GRETA welcomes the continued efforts made by Cyprus in the area of international co-operation against THB, and in particular the active part of the Police Office for Combating Trafficking in Human Beings.**

## 12. Cross-cutting issues

### a. gender-sensitive proceedings

124. As noted in CEDAW General recommendation No. 33 on women's access to justice, discrimination against women, based on gender stereotypes, stigma, harmful and patriarchal cultural norms and gender-based violence, which affects women in particular, has an adverse impact on the ability of women to gain access to justice on an equal basis with men.<sup>57</sup>

125. Women encounter obstacles with respect to access to justice within and outside the legal system. Some of these obstacles are of a legal or institutional nature, while others have socio-economic and cultural grounds. The legal and institutional barriers include discriminatory or insensitive legal frameworks including: legal provisions that are explicitly discriminatory; gender blind provisions that do not take into account women's social position; and gaps in legislation concerning issues that disproportionately affect women. On the socio-economic level, the obstacles include lack of awareness of one's legal rights and legal procedures or of how to access legal aid, which can stem from gender differences in educational levels, and access to information. A further obstacle may be the lack of financial resources, including the means to pay for legal representation, legal fees, judicial taxes, transportation to courts or child care.<sup>58</sup> Such obstacles, and remedies to them, are listed in a Council of Europe training manual for judges and prosecutors on ensuring women's access to justice, as well as in the publication "Women's Access to Justice: Guide for Legal Professionals".<sup>59</sup>

126. As regards gender-sensitive measures, the Cypriot authorities indicated that in practice, interviews and statements from presumed victims are taken by police officers of same sex or according to the victims' wish. The state shelter is only for female victims of trafficking (see paragraph 166).

<sup>56</sup> The offences were committed in Israel in the period 2014-2016. The illegal network recruited victims in Israel, who were willing to sell their organs in a procedure that would take place outside Israel, mainly Turkey. The illegal network also recruited kidney failure patients who were willing to pay for organ transplant surgery outside Israel, and who would receive the organs from the victims.

<sup>57</sup> CEDAW General recommendation No. 33 on women's access to justice, CEDAW/C/GC/33, 3 August 2015, paragraph 8.

<sup>58</sup> Council of Europe training manual for judges and prosecutors on ensuring women's access to justice, page 13 available at <https://rm.coe.int/training-manual-women-access-to-justice/16808d78c5>

<sup>59</sup> Available at: <https://rm.coe.int/factsheet-womens-access-to-justice/16808ff44e>

127. GRETA was informed that the members of the Cyprus Police participate in seminars, both in Cyprus and abroad, related to gender-based violence and gender sensitive approaches, as well as taking part in the Project STEP4GBV – Support training, exchange practices for Gender Based Violence, under the Justice Programme and Rights, Equality and Citizenship, co-funded by the EU.<sup>60</sup>

128. GRETA refers to the recommendations made by CEDAW in its Concluding observations on the eighth periodic report on Cyprus, according to which the authorities should provide judges, prosecutors, border police, immigration authorities and other law enforcement officials with mandatory training in a gender-sensitive application of the anti-trafficking legislation.<sup>61</sup>

b. child-sensitive procedures for obtaining access to justice and remedies

129. The Social Welfare Services are responsible for ensuring that all procedures are conducted in the best interests of the child. The police have trained and specialised officers taking statements from children, which are video-recorded. There are child-friendly rooms in which the video-recorded statements are taken and during the criminal proceedings, the children's video-recorded statements are presented in court and there is the possibility for the child to be in a different room and the cross-examination to be conducted via a teleconference. However, GRETA has received information about cross-examination of children being carried out over several days, and by non-specialised lawyers of defendants.

130. During the third evaluation visit, the GRETA delegation visited the Children's House in Nicosia, set up in April 2018 following the Barnahus model, which provides child-friendly services based on a multidisciplinary approach. The aim of the Children's House is to avoid re-traumatisation by limiting the number of interviews of suspected child victims of sexual abuse to the minimum, whilst ensuring due process for the defendant(s). GRETA was informed that the Cypriot authorities had conducted visits to learn from such structures established in Iceland, Sweden, Croatia and the Netherlands. Support services include psychological support/therapy and social rehabilitation. GRETA noted the efforts made to create a child-friendly environment in the Children's House and the fact that all relevant professionals are gathered under the same roof, enabling therapy, preparation of the proceedings and police interviews to take place at the same place. Several psychologists conduct evaluations and provide therapy to the children, as well as family therapy. Social workers are also available to support children and their families, notably in the preparation of court proceedings. Any necessary medical examinations take part at the house. Interviews are conducted by trained police officers of the Office for Handling Cases of Domestic Violence and Child Abuse, in a child-friendly room equipped with cameras, enabling the monitoring of the interview by a psychologist in an adjacent room, who can immediately intervene if necessary.

131. However, GRETA was informed that even if the first interview with the child was conducted at the Children's House, the defendant's lawyer had the right to cross-examine the child in court during the trial. Even though the authorities explained that arrangements are made so that the child may testify from another room, GRETA was informed that there have been instances where children were cross-examined for several days by defendants' lawyers who were not specialised in interviewing children and who challenged the credibility of the child. According to the Cypriot authorities, there is no available data as regards the number of child victims of THB or sexual abuse who have been cross-examined in court. The authorities indicated that pursuant to the amended Witness Protection Law, a vulnerable witness may give testimony during the trial from another room or venue, thereby enabling children who are located in the Children's House to give testimony or be cross-examined.

<sup>60</sup> <https://www.facebook.com/STEP4GBV/>

<sup>61</sup> CEDAW, Concluding observations on the eighth periodic report on Cyprus, CEDAW/C/CYP/CO/8, 25 July 2018, paragraph 29.

132. While welcoming the setting up of the Children's House and the use of its specialised facilities and equipment to enable the taking of testimonies of child victims, **GRETA urges the Cypriot authorities to take additional measures to ensure that the best interests of the child are the primary consideration in all proceedings relating to child victims of THB, and to avoid as far as possible the cross-examination of child victims of THB. In this context, GRETA also refers to the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice.**<sup>62</sup>

133. As noted in paragraph 45, the Commissioner for Children's Rights has alerted the Cypriot authorities on a number of provisions in Law 60(I)/2014 that are not sufficient to effectively guarantee the rights of child victims of trafficking and would require amending the legislation. The first issue concerns the provision of legal advice under Article 33 of the law, which is not available throughout the proceedings and does not cover the administrative stage. Additionally, Articles 38-41 on the legal representation of children should be clarified as the Social Welfare Services have the role of guardian under the law and can decide about the legal representation, thereby potentially depriving the Commissioner for Children's Rights of her competence to ensure the legal representation of the child. The Cypriot authorities have indicated that the Social Welfare Services represent the child in all procedures and that in cases where a child needs to be legally represented, the Social Welfare Services co-operate with the Commissioner of Children's Rights. Further, according to the Commissioner, Article 52 of the Anti-trafficking Law, which concerns deportation, should also be clarified to ensure a child may not be deported in the event that their temporary residence permit is not renewed. In this respect, the Cypriot authorities have indicated that children under the care of the Director of Social Welfare Services, such as unaccompanied children, remain under the care of the Director regardless of their residence permit.

134. **GRETA considers that the Cypriot authorities should review and amend the provisions of Law 60(I)/2014 with a view to ensuring that the rights of child victims of THB are effectively guaranteed.**

c. role of businesses

135. GRETA was not informed of any specific initiatives to prevent and eradicate trafficking from companies' supply chains, nor did it receive information on engagement of businesses in supporting the rehabilitation and recovery of victims or in providing access to effective remedies.

136. **GRETA considers that the Cypriot authorities should proactively engage with the private sector, in line with the UN Guiding Principles on Business and Human Rights<sup>63</sup> and Council of Europe Committee of Ministers Recommendation CM/Rec(2016)3 on human rights and business,<sup>64</sup> with a view to raising awareness of the important role and responsibility of businesses to prevent human trafficking in their supply chains, to support the rehabilitation and recovery of victims, and to provide access to effective remedies.**

<sup>62</sup> [Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice](#) (Adopted by the Committee of Ministers on 17 November 2010 at the 1098th meeting of the Ministers' Deputies).

<sup>63</sup> [http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)

<sup>64</sup> [Recommendation CM/Rec\(2016\)3](#) of the Committee of Ministers to member States on human rights and business, adopted by the Committee of Ministers on 2 March 2016 at the 1249th meeting of the Ministers' Deputies.

d. measures to prevent and detect corruption

137. Trafficking in human beings may be engaged in by organised criminal groups, which frequently use corruption to circumvent the law and money laundering to conceal their profits, but it can occur in other contexts. Consequently, other Council of Europe legal instruments are also relevant to combating human trafficking, in particular those designed to combat corruption, money laundering and cybercrime. The Council of Europe body with the main role to play in the fight against corruption is the Group of States against Corruption (GRECO). Its country reports are relevant in addressing structural shortcomings in preventing corruption, including potentially in a THB context.

138. According to the Cypriot authorities, the police have taken several measures to prevent and detect situations where corruption facilitates human trafficking. For instance, in all training activities of police officers, it is emphasized that corruption of public officials is an offence according to Article 18 of the Anti-trafficking Law, providing for up to five years' imprisonment or a monetary fine of up to 17,000 Euros, or both. Moreover, in 2018, the legislation on the composition and operation of the Service of Internal Control of the Cyprus Police (Law 3(I)/2018), aiming to combat corruption in the police force, was put in effect. The Service was set up in May 2018 and staffed with experienced investigators. There is secure access through the official police website to the complaint platform of this Service.

139. The authorities informed GRETA of two relevant cases during the reporting period. In 2017, a police officer was convicted to 12 months' imprisonment, and suspended for three years, for sexual exploitation. In 2018, a case of trafficking in human beings for the purpose of labour and sexual exploitation involving three police officers was investigated by the Office for Combating THB, in collaboration with the Service of Internal Control. The investigation has been concluded and the case is pending trial.<sup>65</sup>

140. **GRETA invites the Cypriot authorities to include measures against corruption in a THB context in the overall policies against corruption, as well as to further develop the existing software by including a module related to THB.**

## V. Follow-up topics specific to Cyprus

### 1. Measures to prevent and combat THB for the purpose of labour exploitation

141. In its second evaluation report, GRETA urged the Cypriot authorities to increase their efforts to prevent THB for the purpose of labour exploitation, in particular by strengthening the supervision of private employment agencies, stepping up labour inspections of sectors known to be prone to undeclared work and/or THB, and strengthening protection measures for domestic workers. GRETA also recommended that the Cypriot authorities step up their efforts to proactively identify victims of THB for the purpose of labour exploitation, including among irregular migrant workers and domestic workers, and reinforce the role of labour inspectors.

<sup>65</sup> See Report by the OSCE Acting Co-ordinator for Combating Trafficking in Human Beings following the official visit to Cyprus, 10-12 September 2018, paragraph 45.

142. GRETA was informed that in May 2017, the Labour Inspectorate Service was established under the Ministry of Labour, Welfare and Social Insurance and its mandate was expanded. The Inspectorate is responsible for the enforcement of labour laws and operates in close co-operation with the police and other public services. After conducting a risk analysis, labour inspectors check work places in teams of three to five inspectors, and inform the Ministry of Labour, Welfare and Social Insurance when the work conditions are in breach of the contract. They also operate an anonymous hotline, and in cases of suspicion of THB, they must inform the Police Office for Combating THB and the Social Welfare Services. According to the Cypriot authorities, labour inspectors undergo monthly training, in addition to an initial training at the Police Academy.

143. Members of the Police Office for Combating THB, in co-operation with the Aliens and Immigration Service, other police departments, and labour inspectors of the Ministry of Labour, Welfare and Social Insurance, participate in Joint Actions Days organised by Europol, in the framework of EMPACT (European Multidisciplinary Platform Against Criminal Threats). The operations focus on different forms of human trafficking, including labour exploitation.

144. According to the Cypriot authorities, members of the Aliens and Immigration Service are regularly trained at the Cyprus Police Academy on human trafficking indicators in order to proactively identify and refer potential victims to the respective authorities.

145. During the third evaluation visit to Cyprus, the GRETA delegation met with representatives of trade unions and labour inspectors, and noted the very good co-operation between them. Trade unions visit work places on a weekly basis and verify that third-country nationals have the same rights as other employees. However, trade unions do not have access to places where they do not have any members.

146. The Cypriot authorities have referred to the Private Employment Agencies Law 126(I)/2012, which regulates the operation of private employment agencies and aims to protect foreign workers who are placed to work through these agencies. The law sets the conditions and qualifications that need to be fulfilled in relation to natural or legal persons operating such agencies. The criminal record of the applicant is examined, in order to ensure that the persons involved in the operation of such agencies have not been convicted for offences such as sexual exploitation, human trafficking or any other serious criminal offence. If the person responsible for the operation of an existing agency has been convicted of a serious offence, the licence of the agency is revoked. The law prohibits private employment agencies from imposing any direct or indirect fee on employees for the purpose of job search, placement and maintenance of employment, as well as from providing false information regarding the terms and conditions of employment and the qualifications of the applicants. Moreover, the law provides for control mechanisms which may lead to the withdrawal of an agency's operating licence and the imposition of administrative and penal sanctions for the infringement of the law. According to information provided by the Cypriot authorities, in 2019, the Labour Inspectorate Service inspected 150 private employment agencies and revoked the licences of 14 agencies.<sup>66</sup> GRETA was informed that staff of private employment agencies undergo a series of training sessions, which include trafficking in human beings and indicators, before obtaining their licence from the Ministry of Labour.

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<sup>66</sup> 13 licenses were revoked because the agencies did not provide the information or documents requested within the time set by the competent authority, and one license was revoked because the owner of the agency was convicted for trafficking fake documents.

147. The statistics presented in paragraph 12 suggest that the number of victims of THB for the purpose of labour exploitation who have been identified by the Cypriot authorities have increased over the last years. However, according to NGOs, the detection of presumed victims of trafficking for the purpose of labour exploitation remains problematic. There are reports about heightened risks of exploitation in the agricultural and construction sectors, which employ migrant workers. The majority of labour exploitation cases are reportedly treated as labour disputes and the persons concerned are not treated as victims of THB. As of 2017, migrant workers must have a work contract signed with their employers before entering Cyprus.

148. According to research carried out as part of the DemandAT project (which took place in 2014-2017), one third of all migrants legally residing in Cyprus are employed in private households as domestic workers, mostly women from Nepal, Sri Lanka, Vietnam, Philippines and India, representing 4.4% in total employment, one of the highest in Europe.<sup>67</sup> Potential domestic workers are normally aided by private employment agencies that act as intermediaries with the employer. Most migrant domestic workers stay in the country for several years, on a so-called "domestic worker's" visa. According to the research, a number of complaints have been filed by domestic workers against their employers, but very few domestic workers have been identified as victims of THB.

149. A new contract of employment for domestic workers has been put in place, spelling out all the rights and obligations of domestic workers and employers in a clear and more user-friendly manner. In particular, special attention has been paid to listing clearly all the ways in which an employment contract can be terminated, both by the employer and the employee. The employer is obliged to open a bank account in Euros in the name of the employee for the purpose of depositing the salary at the end of each month, and cannot deduct from the salary any fees for the issuing of a residence/employment permit, travel expenses or agency fees.

150. As noted in GRETA's second report on Cyprus, the regime for overseas domestic workers has been relaxed pursuant to a decision of the Ministerial Committee for Employment of Third-country Nationals. The changes provide for greater flexibility in changing employers as well as the possibility to stay for as long as wished with the same employer. According to the Cypriot authorities, the new regime should contribute to decreasing employment insecurity and empowering domestic workers. However, some interlocutors met during the visit raised concerns that the new regime may facilitate trafficking and exploitation of domestic workers. The Commissioner for Administration and the Protection of Human Rights has raised concerns about the fact that residence permits are linked to a specific employer, which creates a fear of deportation for migrant workers and serves as a deterrent to report any abuse and exploitation.

151. Cyprus has ratified the 2014 Protocol to the ILO Convention on Forced Labour (No. 29), but has not yet signed ILO Convention No. 189 concerning decent work for domestic workers. **GRETA encourages the Cypriot authorities to sign and ratify this Convention as a matter of priority.**

152. GRETA stresses Cyprus' positive obligations under Article 4 of the European Convention of Human Rights to put in place adequate measures regulating businesses and other economic activity to ensure that they do not use trafficked or forced labour. In this context, GRETA refers to the European Court of Human Rights judgment in the case of *Chowdury and Others v. Greece* in which the Court found a violation of Article 4, paragraph 2, of the European Convention on Human Rights due to the failure of the Greek authorities to fulfil their positive obligations to prevent human trafficking, to protect victims, to effectively investigate the offences committed, and to punish those responsible for human trafficking offences.<sup>68</sup>

<sup>67</sup> Danai Angeli, Demand in the Context of Trafficking in Human Beings in the Domestic Work Sector in Cyprus, DemandAT Country Study No.2, June 2016, available at:

[https://www.demandat.eu/sites/default/files/DemandAT\\_CountryStudies\\_2\\_Cyprus\\_Angeli.pdf](https://www.demandat.eu/sites/default/files/DemandAT_CountryStudies_2_Cyprus_Angeli.pdf)

<sup>68</sup> European Court of Human Rights, *Chowdury and Others v. Greece*, application No. 21884/15, 30 March 2017.

153. **GRETA considers that the Cypriot authorities should intensify their efforts to prevent and combat THB for the purpose of labour exploitation, in particular by:**

- **ensuring that sufficient resources are made available to labour inspectors to fulfil their mandate and to be actively engaged in the prevention of THB;**
- **training labour inspectors throughout the country, as well as law enforcement officers, prosecutors and judges, on combating THB for the purpose of labour exploitation and the rights of victims;**
- **ensuring that inspections can take place in private households with a view to preventing abuse of domestic workers and detecting cases of human trafficking;**
- **reviewing the legal framework and policies for the employment of domestic workers, allowing them to change employers without their immigration status being affected;**
- **strengthening the monitoring of private recruitment agencies;**
- **establishing effective mechanisms to allow migrant workers to lodge complaints in respect of labour standards against employers and obtain effective remedies without the risk of the sharing of their personal data or other information with immigration authorities for the purposes of immigration control and enforcement;**
- **raising awareness among the general public as well as, in a targeted manner, among migrant workers, about the risks of THB for the purpose of labour exploitation and the rights of victims of trafficking.**

## **2. Measures to discourage demand**

154. In its second report, GRETA considered that the Cypriot authorities should strengthen their efforts to discourage demand for the services of trafficked persons, for all forms of exploitation, in partnership with civil society and the private sector.

155. As noted in paragraph 15, amendments were made to Law 60(I)2014 in July 2019. The penalty envisaged in Article 17 of this law, which criminalises the use of services provided by victims of trafficking where their client should reasonably have been able to conclude or suspect that the service was provided by a victim of trafficking, was raised from three year to up to 10 years or 50,000 Euros, or both. In the event where the victim is a child, the penalty was raised from 10 years or 80,000 Euros, or both to life imprisonment or 100,000 Euros or both. Further, a new Article 17A was added concerning exclusively the criminalisation of the use of sexual services. This article stipulates that any person who demands or receives or uses the services of a victim of sexual exploitation is guilty of this offence. It therefore removes, for the case of sexual exploitation, the "reasonable suspicion" condition. The penalties are the same as in Article 17. The Cypriot authorities informed GRETA that since July 2019, five men had been accused under Article 17 of receiving sexual services from victims of human trafficking, after the police carried out operations in two massage parlours in Nicosia and Limassol. The owner of the massage parlour and his wife were charged with the offence of THB. At the time of the writing, the case was pending trial. **GRETA would like to be kept informed of the outcome of this case.**

156. Another relevant amendment to Law 60(I)2014 includes the introduction of the term “demand” in Article 2, stipulating that it includes: a) the client who requests and buys services of human trafficking; b) the trafficker who recruits, pushes into prostitution or exploits in any way the victims; c) the employer who hires the services which victims are obliged to provide; d) the owner of the club or other place of leisure where victims are exposed; and e) any other person who is involved in any way in the trafficking chain. In addition, the fact that a user/client may claim that he/she was not aware that the person from whom he/she received the service was a victim does not constitute a defence. To this end, Article 19 now reads as follows: “The following do not constitute a defence for the accused with respect to the offences set forth in this Law: (a) the fact that the accused did not know that the person from whom he/she requested, received, or used sexual services was the person who was subjected to the trafficking and/or exploitation process; or (b) the fact that the accused did not know the age of the victim from whom he/she requested, received or used sexual services; (c) the fact that the accused did not know or believe that the victim of the crime was a child or in a particularly vulnerable position; or (d) the fact that in the country in which the offence took place, wholly or in part, for which the accused is charged does not constitute an offence or is not prohibited.”<sup>69</sup>

157. **GRETA welcomes the recent amendments to Law 60(I)2014 and considers that the Cypriot authorities should continue taking measures to discourage demand for the services of trafficked persons, for all forms of exploitation, in partnership with civil society, trade unions and the media, including by:**

- **carrying out targeted information campaigns and raising awareness of the criminalisation of the use of services of trafficked persons;**
- **implementing educational programmes at schools which stress the importance of gender equality and respect for the dignity and integrity of every human being and the consequences of gender-based discrimination;**
- **raising awareness of the important role of the media and advertising in tackling demand which leads to human trafficking;**
- **promoting awareness among businesses, strengthening corporate social responsibility and preventing trafficking in supply chains.**

### **3. Identification of victims of trafficking**

158. A National Referral Mechanism (NRM) was established in late 2016. It defines the co-operation framework between the relevant services and NGOs and provides guidance and standard operating procedures for handling victims and potential victims of human trafficking, including identifying and referring victims to services. According to the Cypriot authorities, all relevant stakeholders working in contact with presumed and identified victims have been informed and trained on the NRM. The NRM instructs first responders to carry out preliminary identification of presumed victims of THB and to refer them to the Social Welfare Services. There is a standardised form for referral to the Social Welfare Services, which provide presumed victims with information and notify the Police Office for Combating Trafficking in Human Beings, responsible for the formal identification. This office employs specialised staff trained to perform victim identification, including a forensic psychologist. Victims are issued with a “certificate of identification” which entitles them to access to services.

159. While the co-ordination between the Social Welfare Services and the police and their respective roles are clearly defined in the NRM, according to various stakeholders, this co-ordination is not always implemented in practice, creating risks that victims of trafficking are not identified and assisted in a timely manner. NGOs reported that the Social Welfare Services sometimes react with delays to the referral of presumed victims and, as a consequence, presumed victims do not have access to appropriate accommodation and support. This also slows down the victim identification process as presumed victims are not brought to the attention of the police for formal identification. It was also reported to the GRETA delegation that sometimes presumed victims are referred directly to the police and do not receive the information and assistance they are entitled to by the Social Welfare Services according to the NRM. Further, it was noted that the NRM is not fully functional at weekends. The Cypriot authorities have indicated that the Social Welfare Services as a first responder have developed a standard referral form, which was introduced in 2019 to improve the identification of possible victims of THB, including screening of vulnerable asylum seekers. According to the authorities, all social welfare officers are trained to provide the necessary assistance, support and counselling to victims of trafficking, while first-line officers are trained in early detection and referral of cases of trafficking and exploitation of persons. Seminars and workshops are organised annually by the Social Welfare Services to train staff and strengthen their capacity to fulfil their roles assigned by the NRM. Further, training on THB, including indicators for victims' identification, has been offered to staff at the Menouia detention centre for irregular migrants.

160. Reference has already been made in paragraph 14 to the increase in the number of asylum seekers identified as victims of THB. However, GRETA was informed that persons who apply for asylum at District Immigration Police offices, at detention centres or in prison may not be identified as victims of trafficking at the time of submission of their applications. Further, a number of persons identified by UNHCR and NGOs as presumed victims of trafficking among asylum seekers and referred to the Social Welfare Services have reportedly not been assessed by the Police Office for Combating Trafficking in Human Beings, apparently because they were not referred to them by the Social Welfare Services. Thus it would appear that the Social Welfare Services perform a "filtering" function. In their comments on GRETA's draft report, the Cypriot authorities specified that the Asylum Service had introduced a "vulnerability assessment tool" which is used by specially appointed staff ("vulnerability officers") at reception centres for asylum seekers. If a staff member observes indicators of THB, the asylum seekers have to be referred to the Social Welfare for further action.

161. Moreover, several interlocutors noted that the Police Office for Combating Trafficking in Human Beings is still understaffed and the new staff members need further training on the complexities of trafficking within the refugee context (see also paragraph 108).

162. As regards the trend of trafficking for the purpose of forced/sham marriages (see paragraph 12), GRETA understands that the Ministry of the Interior has issued a circular letter to the municipalities, which is not legally binding, and the problem continues. The Cypriot authorities informed GRETA that the Ministry of the Interior had prepared draft bills amending the Law on Marriage, the Law on Civil Union and the Aliens and Migration Law, which concern sham marriages, which include the introduction of checks before the conduct of a marriage or a civil union, and raise the penalties for relevant offences. **GRETA would like to be kept updated on the adoption of the said legislation.**

163. While welcoming the introduction of the NRM, **GRETA considers that the Cypriot authorities should take further measures to ensure that it is effectively implemented, including by providing appropriate training to Social Welfare Services staff and strengthening their capacity to fulfil the role assigned to them by the NRM, as well as training staff at District Immigration Police offices on trafficking indicators and the NRM.**

164. **Further, GRETA considers that the Cypriot authorities should take additional measures to proactively identify victims of THB among asylum seekers.**

#### 4. Assistance to victims

165. Pursuant to Law 60(I)/2014, the Social Welfare Services are responsible for ensuring that safe and suitable accommodation is provided for all victims of trafficking. The Cypriot authorities informed GRETA that victims receive immediate support and assistance, including housing if required, and that the Social Welfare Services are operating an on-call system after business hours and during the weekend. According to the authorities, social welfare officers who are on stand-by duty manage any referral involving victims of trafficking or exploitation, and provide immediate support and accommodation as a standard procedure.

166. Assistance and protection are provided to female victims through the state shelter for victims of trafficking in Nicosia, which has a capacity of 15 places and employs eight full-time staff members, including a psychologist. Upon admission to the shelter, the social welfare officer informs victims about the shelter regulations and their rights and obligations during their stay at the shelter. Victims may stay in the shelter for one month or longer, as deemed appropriate. The shelter is one of the options available for the accommodation of women victims of sexual exploitation and in case a victim does not wish to stay in the shelter, financial and other support (housing provided by NGOs) is provided for as long as required. The government provides a rent subsidy and a monthly allowance for victims of THB for the purpose of sexual exploitation who choose not to stay at the shelter, as well as to female victims of other forms of exploitation and male victims. Trafficking victims have the right to apply for Guaranteed Minimum Income, which includes rent allowance. The Social Welfare Services also provide emergency financial assistance to cover basic needs and accommodation if needed.

167. The problems referred to in GRETA's second report on Cyprus concerning the provision of financial support to victims of THB have reportedly continued. According to civil society representatives, the administrative procedures for the granting of financial support to victims of THB take a long time (e.g. up to four months). In the meantime, victims can receive emergency financial support to cover their urgent needs. According to the Cypriot authorities, in 2018, the Social Welfare Services granted a total of 25,000 Euros to victims of trafficking for immediate financial support (in accordance with Article 11 of the Law on Guaranteed Minimum Income).

168. There has been an increase in the state funding allocated for the operation of the state shelter for female victims of THB (280,000 Euros in 2018).<sup>70</sup> The Cypriot authorities informed GRETA that in 2018, financial support of 55,000 Euros was granted to an NGO-run shelter to accommodate victims (i.e. an increase of 25,000 Euros compared to 2017). The Social Welfare Services also partner with other NGOs to house victims in apartments.

169. During the visit, the GRETA delegation took note with satisfaction of the high standard of accommodation in the shelters it visited. GRETA commends the living conditions, the protection, and the programmes available to ensure the rehabilitation of victims of trafficking in both the state shelter for female victims of trafficking and NGO-run open house.

170. However, GRETA is concerned by the lack of systematic rehabilitation and integration measures for victims of trafficking. The Social Welfare Services lack specialised staff who can ensure personal involvement with the victims and long-term support.

171. Vulnerable asylum seekers who are presumed to be victims of THB are not afforded any special reception conditions. They are provided with a meagre allowance and are expected to find accommodation by themselves, exposing them to risks of sexual and other exploitation. The asylum procedure is so slow that traffickers take advantage of it. By way of example, GRETA was informed of cases of Vietnamese women who remain in Cyprus for several years as asylum seekers (more than five years) and either prostitute themselves or become victims of THB.

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<sup>70</sup> See Report by the OSCE Acting Co-ordinator for Combating Trafficking in Human Beings following the official visit to Cyprus, 10-12 September 2018.

172. There is no state shelter for male victims of THB, but the authorities indicated that NGOs are funded by the Government for housing programmes through which male victims can be accommodated. The authorities have affirmed that male and female victims of trafficking are entitled to the same services. However, GRETA remains concerned by the lack of specialised facilities to ensure the safe accommodation of male victims of trafficking.

**173. GRETA urges the Cypriot authorities to comply with their obligations under Article 12 of the Convention and to provide assistance, including safe accommodation, adapted to the specific needs of male victims of THB, as well as to develop a programme for long-term support and integration of victims of THB.**

**174. GRETA also considers that the Cypriot authorities should review the level of assistance provided to asylum seekers and the provision of a special needs allowance to those with specific needs.**

## **5. Recovery and reflection period**

175. In its second report, GRETA invited the Cypriot authorities to review the reasons for the low number of reflection periods granted and to make sure that the reflection period is offered to all persons for whom there are reasonable grounds to believe that they may be victims of THB.

176. As noted in GRETA's second report, pursuant to Article 45(5) of Law 60(I)/2014, victims of human trafficking, regardless of whether they are EU or third-country nationals, are entitled to a reflection period of at least one month (two months for children) to escape the influence of the traffickers and decide whether or not to co-operate with the prosecution. Thus according to the law, the reflection period is granted to identified victims of trafficking, whereas the Convention provides for the granting of this period to presumed victims. In their comments on GRETA's draft report, the Cypriot authorities indicated that there are plans to amend the law, but noted that the practice of granting a reflection period to presumed victims has already been in place since mid-2019.

177. According to statistics provided by the Cypriot authorities, a total of 17 persons were granted a reflection period in 2015-2018 (four women in 2015, six women in 2016, two women and one man in 2017, and three women and one man in 2018). The victims concerned originated from Bulgaria, Greece, Egypt, Ethiopia, India, Romania, the Russian Federation, Syria, Ukraine and Vietnam.

**178. GRETA urges the Cypriot authorities to provide in the national legislation for a recovery and reflection period when there are reasonable grounds to believe that a person is a victim of human trafficking, as provided for in Article 13 of the Convention, and to ensure that all possible victims of trafficking are offered an effective recovery and reflection period, as well as all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period.**

## **6. Co-operation with civil society**

179. In its second report, GRETA considered that the Cypriot authorities should reinforce strategic partnerships with civil society actors and the private sector, and reiterated the recommendation made in its first report that the Cypriot authorities should conclude protocols of co-operation with NGOs in order to provide quality assistance to victims.

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180. The Cypriot authorities informed GRETA that in April 2018, the Social Welfare Services signed a protocol of co-operation with the NGO Cyprus Stop Trafficking. The main purpose of this protocol is to improve the co-ordination and collaboration between the Social Welfare Services and the civil society sector in the provision of services and support to victims of trafficking, including their access to information, housing, employment and social integration.

181. Additionally, the Cyprus Police has signed protocols of co-operation with 12 NGOs in relation to the protection and promotion of human rights, which also cover issues of trafficking in human beings. These protocols facilitate visits by NGOs to police custody facilities, submission of complaints and/ or information exchange between the police and NGOs, training, awareness raising, as well as co-operation on the identification and support of victims.

182. **GRETA considers that the Cypriot authorities should continue building strategic partnerships with civil society actors and strengthening the involvement of NGOs in the Multidisciplinary Co-ordinating Group, with the aim of achieving the purposes of the Convention.**

## **Appendix 1 - List of GRETA's conclusions and proposals for action**

The position of the proposals for action in the text of the report is shown in parentheses.

### **Topics related to the third evaluation round of the Convention**

#### ***Right to information***

- GRETA considers that the Cypriot authorities should strengthen the provision of information to presumed victims and formally identified victims of trafficking regarding their rights, the services available and how to access them, as well as the implications of being identified as a victim of trafficking. The authorities should continue to provide training to Social Welfare Services staff and police officers on how to properly explain to victims their rights at the first point of contact and at later stages (paragraph 37);
- Further, GRETA considers that the Cypriot authorities should take further steps to sensitise interpreters to the issue of human trafficking (paragraph 38).

#### ***Legal assistance and free legal aid***

- GRETA urges the Cypriot authorities to strengthen their efforts to facilitate and guarantee access to justice for victims of THB by ensuring that they receive specialised legal assistance and free legal aid at an early stage of the criminal proceedings, and throughout the latter. A lawyer should be appointed as soon as there are reasonable grounds for believing that a person is a victim of human trafficking, before the person concerned has to decide whether or not to co-operate with the authorities and/or make an official statement. Furthermore, training should be provided to lawyers representing victims of THB (paragraph 46).

#### ***Access to work, vocational training and education***

- GRETA considers that the Cypriot authorities should make further efforts to promote the social integration of victims of THB by means of facilitating their access to work, vocational training and education (paragraph 51).

#### ***Compensation***

- GRETA urges the Cypriot authorities to adopt measures to facilitate and guarantee access to compensation from the perpetrators, and in particular to:
  - enable all victims of trafficking to exercise their right to compensation, by ensuring access to legal aid and legal assistance at the outset of the criminal proceedings;
  - build the capacity of legal practitioners to support victims in claiming compensation;
  - ensure that the collection of evidence about the harm the victim has suffered, including the financial gain from the exploitation of the victim, is part of the criminal investigations with a view to supporting compensation claims in court;
  - include compensation in the training programmes for prosecutors and the judiciary, and encouraging them to use all the possibilities the law offers to uphold compensation claims by victims of THB;

- introducing a procedure through which victims are entitled to obtain a decision on compensation from the offender as part of the criminal trial and requiring courts to state, where applicable, why compensation is not considered;
- make full use of the legislation on the freezing and forfeiture of assets to secure compensation to victims of THB, and ensure that recoverable property which is seized in criminal proceedings is returned as soon as possible to the victim;
- ensure victims' right to claim compensation through civil proceedings regardless of the outcome of the criminal proceedings;
- amend the legislation with a view to ensuring that State compensation is not conditional on failure to obtain compensation through civil proceedings;
- set up as a matter of priority a victim compensation fund (paragraph 65).

### ***Investigations, prosecutions, sanctions and measures***

- GRETA invites the Cypriot authorities to strengthen their efforts to identify cases of THB involving live streaming of sexual abuse (paragraph 86);
- GRETA considers that the Cypriot authorities should take additional measures to ensure that THB cases are investigated promptly, prosecuted successfully, and lead to effective, proportionate and dissuasive sanctions. In this context, the authorities should:
  - strengthen the proactive investigation of THB cases, regardless of whether a complaint about the reported crime has been submitted or not, making use of special investigation techniques in order to gather evidence and not have to exclusively rely on testimony by victims;
  - continue providing training and encouraging the specialisation of prosecutors and judges to deal with human trafficking cases and to ensure that they are not re-classified as other offences which carry lighter penalties and deprive victims of THB of access to protection, support and compensation;
  - strengthen the conduct of financial investigations in THB cases (paragraph 89).

### ***Non-punishment provision***

- GRETA considers that the Cypriot authorities should continue taking steps to ensure the application of the non-punishment principle in practice, including through training of police officers, prosecutors and judges, and the issuing of appropriate guidance (paragraph 95).

### ***Protection of victims and witnesses***

- GRETA welcomes the steps taken to protect victims of THB and their family members from intimidation and retaliation, and invites the Cypriot authorities to continue ensuring that victims and witnesses of human trafficking are provided with effective protection, including by ensuring that specialised NGOs receive adequate funding for the purpose (paragraph 105).

### ***Specialised authorities and co-ordinating bodies***

- GRETA welcomes the existence of a specialised Police Office for Combating THB and considers that the Cypriot authorities should continue reinforcing it with a view to ensuring that it has the capacity to proactively investigate THB cases (paragraph 113);

- While commending the recent training provided to judges, prosecutors and legal officers on THB, given the low rate of convictions for THB and the absence of compensations awarded to victims of THB, GRETA considers that the Cypriot authorities should further promote the training and specialisation of prosecutors and judges to deal with THB cases (paragraph 114);
- Further, GRETA considers that the Cypriot authorities should take additional steps to ensure that all relevant professional groups are regularly trained on preventing THB, identifying and interviewing victims, referring them to assistance and enabling them to exercise their rights. The training should be embedded in the regular training curricula of different professional groups, including law enforcement officials, prosecutors, judges, lawyers, labour inspectors, social workers, child welfare staff, health-care staff, and diplomatic and consular staff (paragraph 115).

### ***International co-operation***

- GRETA welcomes the continued efforts made by Cyprus in the area of international co-operation against THB, and in particular the active part of the Police Office for Combating Trafficking in Human Beings (paragraph 123).

### ***Child-sensitive procedures for obtaining access to justice and remedies***

- While welcoming the setting up of the Children's House and the use of its specialised facilities and equipment to enable the taking of testimonies of child victims, GRETA urges the Cypriot authorities to take additional measures to ensure that the best interests of the child are the primary consideration in all proceedings relating to child victims of THB, and to avoid as far as possible the cross-examination of child victims of THB. In this context, GRETA also refers to the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice (paragraph 132);
- GRETA considers that the Cypriot authorities should review and amend the provisions of Law 60(I)/2014 with a view to ensuring that the rights of child victims of THB are effectively guaranteed (paragraph 134).

### ***Role of businesses***

- GRETA considers that the Cypriot authorities should proactively engage with the private sector, in line with the UN Guiding Principles on Business and Human Rights and Council of Europe Committee of Ministers Recommendation CM/Rec(2016)3 on human rights and business, with a view to raising awareness of the important role and responsibility of businesses to prevent human trafficking in their supply chains, to support the rehabilitation and recovery of victims, and to provide access to effective remedies (paragraph 136).

### ***Measures to prevent and detect corruption***

- GRETA invites the Cypriot authorities to include measures against corruption in a THB context in the overall policies against corruption, as well as to further develop the existing software by including a module related to THB (paragraph 140).

## **Follow-up topics specific to Cyprus**

### ***Developments in the institutional and policy framework for action against human trafficking***

- GRETA considers that the Cypriot authorities should strengthen the co-ordination of anti-trafficking action, ensure that the Multidisciplinary Co-ordinating Group is provided with adequate resources, establish clear roles and responsibilities of its members, and reinforce inter-agency co-ordination and co-operation with civil society (paragraph 17).

### ***Measures to prevent and combat trafficking for the purpose of labour exploitation***

- GRETA encourages the Cypriot authorities to sign and ratify ILO Convention No. 189 concerning decent work for domestic workers as a matter of priority (paragraph 151);
- GRETA considers that the Cypriot authorities should intensify their efforts to prevent and combat THB for the purpose of labour exploitation, in particular by:
  - ensuring that sufficient resources are made available to labour inspectors to fulfil their mandate and to be actively engaged in the prevention of THB;
  - training labour inspectors throughout the country, as well as law enforcement officers, prosecutors and judges, on combating THB for the purpose of labour exploitation and the rights of victims;
  - ensuring that inspections can take place in private households with a view to preventing abuse of domestic workers and detecting cases of human trafficking;
  - reviewing the legal framework and policies for the employment of domestic workers, allowing them to change employers without their immigration status being affected;
  - strengthening the monitoring of private recruitment agencies;
  - establishing effective mechanisms to allow migrant workers to lodge complaints in respect of labour standards against employers and obtain effective remedies without the risk of the sharing of their personal data or other information with immigration authorities for the purposes of immigration control and enforcement;
  - raising awareness among the general public as well as, in a targeted manner, among migrant workers, about the risks of THB for the purpose of labour exploitation and the rights of victims of trafficking (paragraph 153).

### ***Measures to discourage demand***

- GRETA welcomes the recent amendments to Law 60(I)2014 and considers that the Cypriot authorities should continue taking measures to discourage demand for the services of trafficked persons, for all forms of exploitation, in partnership with civil society, trade unions and the media, including by:
  - carrying out targeted information campaigns and raising awareness of the criminalisation of the use of services of trafficked persons;
  - implementing educational programmes at schools which stress the importance of gender equality and respect for the dignity and integrity of every human being and the consequences of gender-based discrimination;
  - raising awareness of the important role of the media and advertising in tackling demand which leads to human trafficking;

- promoting awareness among businesses, strengthening corporate social responsibility and preventing trafficking in supply chains (paragraph 157).

### ***Identification of victims of trafficking***

- While welcoming the introduction of the NRM, GRETA considers that the Cypriot authorities should take further measures to ensure that it is effectively implemented, including by providing appropriate training to Social Welfare Services staff and strengthening their capacity to fulfil the role assigned to them by the NRM, as well as training staff at District Immigration Police offices on trafficking indicators and the NRM (paragraph 163) ;
- Further, GRETA considers that the Cypriot authorities should take additional measures to proactively identify victims of THB among asylum seekers (paragraph 164).

### ***Assistance to victims***

- GRETA urges the Cypriot authorities to comply with their obligations under Article 12 of the Convention and to provide assistance, including safe accommodation, adapted to the specific needs of male victims of THB, as well as to develop programme for long-term support and integration of victims of THB (paragraph 173);
- GRETA also considers that the Cypriot authorities should review the level of assistance provided to asylum seekers and the provision of special needs allowance to those with specific needs (paragraph 174).

### ***Recovery and reflection period***

- GRETA urges the Cypriot authorities to provide in the national legislation for a recovery and reflection period when there are reasonable grounds to believe that a person is a victim of human trafficking, as provided for in Article 13 of the Convention, and to ensure that all possible victims of trafficking are offered an effective recovery and reflection period, as well as all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period (paragraph 178).

### ***Co-operation with civil society***

- GRETA considers that the Cypriot authorities should continue building strategic partnerships with civil society actors and strengthening the involvement of NGOs in the Multidisciplinary Co-ordinating Group, with the aim of achieving the purposes of the Convention (paragraph 182).

## **Appendix 2 - List of public bodies, intergovernmental organisations and civil society actors with which GRETA held consultations**

### **Public bodies**

- Ministry of the Interior
  - Civil Registry and Migration Department
  - Asylum Service
- Multidisciplinary Co-ordination Group on Combating Human Trafficking
- Ministry of Labour, Welfare and Social Insurance
  - Social Welfare Services
  - Department of Labour Inspection
- Law Office of the Republic
  - Attorney General
  - Cyprus Financial Intelligence Unit (MOKAS)
- Ministry of Justice and Public Order
  - Cyprus Police
    - Office for Combating Trafficking in Human Beings of the Cypriot Police
    - Cybercrime Unit of the Police
    - Unit for Combating Money Laundering
- Judges from Assize and District Courts and the Supreme Court
- Commissioner for Administration and Protection of Human Rights (Ombudsman)
- Commissioner for Children’s Rights

### **Intergovernmental organisations**

- United Nations High Commissioner for Refugees (UNHCR)
- International Organization for Migration (IOM)

### **Civil society organisations**

#### *Trade Union*

- Democratic Labour Federation of Cyprus (DEOK)

*NGOs*

- Caritas Cyprus
- Cyprus Refugee Council
- Cyprus Stop Trafficking (STOP Trafficking)
- Hope for Children
- Mediterranean Institute of Gender Studies (MIGS)
- Movement for Equality, Support and Antiracism (KISA)
- Organisation for the Protection of Sexual Exploitation Victims (STIGMA)
- WellSpring Association

## **Government's comments**

### **The following comments do not form part of GRETA's analysis concerning the situation in Cyprus**

GRETA engaged in a dialogue with the Cypriot authorities on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version.

The Convention requires that "the report and conclusions of GRETA shall be made public as from their adoption, together with eventual comments by the Party concerned." GRETA transmitted its final report to the Cypriot authorities on 9 April 2020 and invited them to submit any final comments. The comments of the Cypriot authorities, submitted on 15 May 2020, are reproduced hereafter.

**REPUBLIC OF CYPRUS****COMMENTS on the final report**

***Para. 34: GRETA notes that the provision of information on rights hinges on the person being identified as a victim of THB. GRETA was informed by various stakeholders that in practice, the procedure for identifying and referring victims of THB, as defined in the law and the NRM (see paragraph 158) is not always followed and staff of the Social Welfare Services do not fulfil their duty to inform presumed victims of their rights. In addition, according to civil society actors working with the victims of trafficking, police officers who are not specialised on combating THB are not sufficiently trained to inform victims of THB about their rights. In their comments on the draft GRETA report, the Cypriot authorities have affirmed that social welfare officers provide information on their rights to all presumed victims of THB, and that all police departments have instructions to refer possible victims of THB to the Social Welfare Office and at the same time inform the Police Office for Combating THB.***

Social Welfare Services reaffirm that immediate information is provided as a standard procedure to all presumed victims of THB referred by NGOs or other competent authorities according to Article 44 of Law 60(I)/2014, about the types of support available, the identification process, the conditions and procedure for applying protection measures, the conditions for obtaining legal advice, the international protection application process, and the procedure to claim compensation.

***Para. 37: GRETA considers that the Cypriot authorities should strengthen the provision of information to presumed victims and formally identified victims of trafficking regarding their rights, the services available and how to access them, as well as the implications of being identified as a victim of trafficking. The authorities should continue to provide training to Social Welfare Services staff and police officers on how to properly explain to victims their rights at the first point of contact and at later stages.***

The Social Welfare Services have proposed as an action the operation of a 24-hour help line for information, guidance and support of victims of trafficking. Information will be provided in different languages. Specially trained staff will receive telephone referrals of potential victims of trafficking or exploitation either directly by the potential victim or by third parties. The aim is to provide counseling and information about their rights, the procedures and the services provided. The launching of the help line is expected to be operated by NGO following a call for interest. The line will be funded by the European Funds Unit of the Ministry of Interior.

***Para. 51: GRETA considers that the Cypriot authorities should make further efforts to promote the social integration of victims of THB by means of facilitating their access to work, vocational training and education.***

In their attempt to find employment for victims of trafficking, Public Employment Service (PES) Counsellors adopt a personalised approach through which each person is offered tailored job search services and guidance according to their specific situation. PES Counsellors cooperate with Social Welfare Officers in order to be able to guide each person with the purpose of finding an appropriate job where they will feel safe. PES Counsellors also inform victims about the several Greek and English language courses that they can attend, as well as about other training opportunities.

PES Counsellors also inform employers that victims of trafficking are exempted from the rules regarding the employment of third country nationals and that they can hire victims that are third country nationals without having to go through the process of obtaining an employment permit. We acknowledge that further effort is needed for more trafficking victims to find employment. We will consider the promotion of measures to create appropriate work opportunities for them, including the development of public-private partnerships for that purpose.

**Para. 85:** *GRETA was informed that in practice, in cases where it is determined that specific sums of money come from the exploitation of an identified victim, such confiscated money may be returned to the victim, something which is decided on a case-by-case basis. Pursuant to the AML/CFT Law, "monetary sums which are confiscated or received from the sale of assets pursuant to the enforcement of a confiscation order in favour of the Republic, are paid into the budget of the Ministry of Finance under "Proceeds of Confiscation from Illegal Activities", and the monetary sums are used for social purposes."*<sup>45</sup> *As noted in paragraph 62, Article 62 of Law 60(I)2014 provides for the creation of a fund to support victims of trafficking, in which any fines imposed upon perpetrators as well as the proceeds from confiscations are to be deposited.*

Law 188(I)/2007 on the Prevention and Suppression of Money Laundering (hereafter, "AML/CFT Law"), will be further amended, as an amending bill is currently being drafted, which will provide that any monetary sums or property that is confiscated, will be returned to the victims of the criminal offences related to the Confiscation Order (and not to the budget of the Ministry of Finance).

**Para. 153:** *GRETA considers that the Cypriot authorities should intensify their efforts to prevent and combat THB for the purpose of labour exploitation, in particular by:*

- *ensuring that sufficient resources are made available to labour inspectors to fulfil their mandate and to be actively engaged in the prevention of THB;*
- *training labour inspectors throughout the country, as well as law enforcement officers, prosecutors and judges, on combating THB for the purpose of labour exploitation and the rights of victims;*
- *ensuring that inspections can take place in private households with a view to preventing abuse of domestic workers and detecting cases of human trafficking;*
- *reviewing the legal framework and policies for the employment of domestic workers, allowing them to change employers without their immigration status being affected;*
- *strengthening the monitoring of private recruitment agencies;*
- *establishing effective mechanisms to allow migrant workers to lodge complaints in respect of labour standards against employers and obtain effective remedies without the risk of the sharing of their personal data or other information with immigration authorities for the purposes of immigration control and enforcement;*
- *raising awareness among the general public as well as, in a targeted manner, among migrant workers, about the risks of THB for the purpose of labour exploitation and the rights of victims of trafficking.*

The following information is reiterated:

The Department of Labour of the Ministry of Labour, Welfare and Social Insurance in order to enforce the provisions of the Private Employment Agencies Laws and Regulations, aiming to prevent and combat THB, has intensified the inspections of the private employment agencies. During 2019 the Department of Labour inspected 150 private employment agencies and has totally revoked the license of 14 agencies. Thirteen (13) licenses were revoked because the agencies didn't provide the information/documents requested within the time set by the competent authority. One (1) additional license was revoked because the owner of the agency was convicted for the serious criminal offence of trafficking fake documents. Finally, the competent authority has imposed administrative fines on four (4) agencies, because they didn't keep correct records including Invoices and Receipts, according to Regulation 13.

Furthermore, the Department of Labour Relations continuously strives, through its complaint resolution procedures, to protect the rights of all workers that are employed in Cyprus, which can either be Cypriots, EU nationals or migrant workers that originate from third countries. At each District Labour Relations Office, officers make daily efforts to impart further awareness to all workers in Cyprus, about their rights and obligations, so as to ensure decent working conditions, in an effort to combat forced labour and prevent labour exploitation. In addition, in cases where, during the investigation of complains, exploitation or violation of human rights is detected, complains are also forwarded to the Commissioner for Administration and Protection of Human Rights (Ombudsman). It should be noted that this procedure is in addition to the legal rights of affected employees and victims of labour exploitation to proceed with a civil legal action and file a case with the Labour Disputes Court for unpaid wages on the basis of the Protection of Wages Law. In order to safeguard the enforcement of labour legislation, regular inspections are carried out by Labour Relations Inspectors, strengthening enforcement of existing labour standards, especially in areas prone to exploitation and employing migrant labour, such as construction, hospitality and animal raising facilities. Inspections may be carried out either through targeted and thorough visits at employees' premises or following anonymous complaints, so as to monitor and enforce labour laws, in the place where work is performed. In cases where there is information or suspicion regarding forced labour, the Labour Relations Inspector informs the immigration police for further action. As far as the migrants' personal data is concerned, complaints of migrants are firstly filed in the Immigration Department and following that at the Department of Labour Relations for examination. The immigration authorities already have relevant personal data for the purposes of immigration control and enforcement. The officers and inspectors of the Labour Relations Department collect any data required only to the extent necessary to examine labour complains. Furthermore, the Labour Relations Department takes all necessary measures to protect migrants' personal data, whereas data is collected and processed in accordance with Regulation (EU) 2016/679 on the Protection of Natural Persons with Regard to the Processing of Personal Data and on the Free Movement of Such Data [General Data Protection Regulation ("GDPR")]. Migrants' personal data and any other information given during the examination of their complaint is protected and not shared with any other authorities.

***Para. 160: [...] Further, a number of persons identified by UNHCR and NGOs as presumed victims of trafficking among asylum seekers and referred to the Social Welfare Services have reportedly not been assessed by the Police Office for Combating Trafficking in Human Beings, apparently because they were not referred to them by the Social Welfare Services. Thus it would appear that the Social Welfare Services perform a "filtering" function. [...]***

All persons identified by NGOs and the UNHCR as presumed victims of trafficking have been referred to the Police with no filtering procedure performed by the Social Welfare Services.

**Para. 163:** *GRETA considers that the Cypriot authorities should take further measures to ensure that it is effectively implemented, including by providing appropriate training to Social Welfare Services staff and strengthening their capacity to fulfil the role assigned to them by the NRM, as well as training staff at District Immigration Police offices on trafficking indicators and the NRM.*

On 19 February 2020, a seminar was organized by the Social Welfare Services (SWS) to train first-line SWS officers and staff involved in human trafficking victims (30 trainees) for early detection and referral of cases of trafficking and exploitation of persons. The seminar included training on the main provisions of the legislation, the indicators for detection of victims and the National Referral Mechanism. SWS continue to provide appropriate training to SWS staff and strengthening their capacity to fulfil the role assigned to them by the NRM.

**Para. 164:** *Further, GRETA considers that the Cypriot authorities should take additional measures to proactively identify victims of THB among asylum seekers.*

The Asylum Service, as the competent Authority for the implementation of the Refugees Laws, has introduced a "vulnerability assessment tool" which is used by specially appointed staff ("vulnerability officers") at reception centers for asylum seekers. If a staff member observes vulnerability indicators or indicators that a person is a potential victim of trafficking, they are referred to all the competent authorities for help and support. In case of a potential victim of trafficking the NRM is activated.

**Para. 173:** *GRETA urges the Cypriot authorities to comply with their obligations under Article 12 of the Convention and to provide assistance, including safe accommodation, adapted to the specific needs of male victims of THB, as well as to develop programme for long-term support and integration of victims of THB.*

The SWS will consider and encourage NGOs to develop a specialized facility to ensure the safe accommodation of male victims of trafficking.

**Para. 174:** *GRETA also considers that the Cypriot authorities should review the level of assistance provided to asylum seekers and the provision of special needs allowance to those with specific needs.*

With effect from June 1st 2019, the Council of Ministers decided to increase the monthly allowance for the material reception conditions of asylum seekers (as regards subsistence and clothing in the form of coupons, expenses for electricity, water supply and petty expenses and rent allowance).

Another change pertains to the continued provision of assistance for families, even if one of the family members is employed, provided that their monthly income is smaller than the total assistance the family is entitled to. The SWS within their competences provide support to vulnerable persons according to the Cyprus Refugee Law.

In cases of vulnerable persons a procedure is applied by the SWS and the Asylum Service according to which persons with mobility problems, elderly persons, persons with mental health problems and pregnant women are accommodated in Care Homes or Hotels. The Republic of Cyprus ensures that the social assistance benefits provide an adequate standard of living to asylum seekers. According to article 17, paragraph 5, of the European Parliament's Directive 2013/33/ EU, member states may grant less favorable treatment to asylum seekers compared with nationals, in particular where material support is partially provided in kind. The above, is in line with the policy followed in Cyprus.