

Adoption: 9 June 2023
Publication: 2 October 2023

Public
GrecoEval5Rep(2022)6

FIFTH EVALUATION ROUND

Preventing corruption and promoting integrity in
central governments (top executive functions) and
law enforcement agencies

EVALUATION REPORT

CYPRUS



Adopted by GRECO
at its 94th Plenary Meeting (Strasbourg, 5-9 June 2023)



Group of States against Corruption
Groupe d'États contre la corruption

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

TABLE OF CONTENTS

I. EXECUTIVE SUMMARY	4
II. INTRODUCTION AND METHODOLOGY	6
III. CONTEXT	7
IV. CORRUPTION PREVENTION IN CENTRAL GOVERNMENTS (TOP EXECUTIVE FUNCTIONS).....	9
SYSTEM OF GOVERNMENT AND TOP EXECUTIVE FUNCTIONS.....	9
<i>The President</i>	<i>10</i>
<i>The Government</i>	<i>12</i>
<i>Other persons exercising top executive functions</i>	<i>13</i>
<i>Remuneration of persons with top executive functions</i>	<i>16</i>
<i>Anti-corruption and integrity policy.....</i>	<i>17</i>
<i>Ethical principles and rules of conduct</i>	<i>18</i>
<i>Awareness</i>	<i>19</i>
TRANSPARENCY AND OVERSIGHT OF EXECUTIVE ACTIVITIES OF CENTRAL GOVERNMENT	19
<i>Access to information</i>	<i>19</i>
<i>Transparency of the law-making process.....</i>	<i>22</i>
<i>Third parties and lobbyists.....</i>	<i>23</i>
<i>Control mechanisms</i>	<i>24</i>
CONFLICTS OF INTEREST	28
PROHIBITION OR RESTRICTION OF CERTAIN ACTIVITIES.....	30
<i>Incompatibilities, outside activities and financial interests</i>	<i>30</i>
<i>Contracts with state authorities</i>	<i>30</i>
<i>Gifts</i>	<i>31</i>
<i>Misuse of public resources.....</i>	<i>32</i>
<i>Misuse of confidential information</i>	<i>32</i>
<i>Post-employment restrictions.....</i>	<i>33</i>
DECLARATION OF ASSETS, INCOME, LIABILITIES AND INTERESTS	34
<i>Declaration requirements</i>	<i>34</i>
ACCOUNTABILITY AND ENFORCEMENT MECHANISMS	36
<i>Non-criminal accountability mechanisms.....</i>	<i>36</i>
<i>Criminal proceedings and immunities</i>	<i>40</i>
V. CORRUPTION PREVENTION IN LAW ENFORCEMENT AGENCIES.....	41
ORGANISATION AND ACCOUNTABILITY OF LAW ENFORCEMENT/POLICE AUTHORITIES.....	41
<i>Overview of various law enforcement authorities.....</i>	<i>41</i>
<i>Access to information</i>	<i>44</i>
<i>Public trust in law enforcement authorities</i>	<i>44</i>
<i>Trade unions and professional organisations.....</i>	<i>44</i>
ANTICORRUPTION AND INTEGRITY POLICY.....	45
<i>Policy, planning and risk management measures for corruption prone areas</i>	<i>45</i>
<i>Handling undercover operations and contacts with informants and witnesses.....</i>	<i>47</i>
<i>Code of ethics, advice, training and awareness on integrity</i>	<i>47</i>
RECRUITMENT, CAREER AND CONDITIONS OF SERVICE	48
<i>Recruitment requirements and appointment procedure.....</i>	<i>48</i>
<i>Performance evaluation and promotion to a higher rank, transfers, rotation and termination of service.....</i>	<i>49</i>
<i>Salaries and benefits.....</i>	<i>51</i>
CONFLICTS OF INTEREST, PROHIBITIONS AND RESTRICTIONS.....	52
<i>Incompatibilities, outside activities and post-employment restrictions</i>	<i>52</i>
<i>Recusal and routine withdrawal.....</i>	<i>54</i>
<i>Gifts</i>	<i>54</i>
<i>Misuse of public resources.....</i>	<i>54</i>
<i>Misuse of confidential information</i>	<i>54</i>
DECLARATION OF ASSETS, INCOME, LIABILITIES AND INTERESTS	54
INTERNAL OVERSIGHT	55
EXTERNAL OVERSIGHT	57
REMEDY PROCEDURES FOR THE GENERAL PUBLIC.....	59

REPORTING OBLIGATIONS AND WHISTLEBLOWER PROTECTION 59
ENFORCEMENT AND SANCTIONS 62
 Disciplinary procedure 62
 Criminal procedure 64
VI. RECOMMENDATIONS AND FOLLOW-UP.....65

I. EXECUTIVE SUMMARY

1. This report evaluates the effectiveness of the framework in place in Cyprus to prevent corruption amongst persons with top executive functions (PTEFs) and law enforcement officials (LEO). It aims at supporting the country in strengthening transparency, integrity, and accountability in public life, in line with GRECO standards.

2. Corruption is a salient concern for people in Cyprus: 94% consider that corruption is widespread in the country (EU average: 68%)¹. This perception has been fuelled in recent years by the controversial “golden passport” scheme (giving citizenship to applicants for a minimum of a 2M EUR investment), which was abolished on 1 November 2020. An anti-corruption action plan was developed in response for the period 2021-2026 and a number of anti-corruption measures have already been introduced. In 2022, three main laws were adopted: establishing an Anti-Corruption Authority (which has recently become operational), protecting whistleblowers, and regulating lobbying. In addition, increased resources have been allocated to control units (internal audit) of public institutions. The Treasury of the Republic has also been implementing positive measures to assure sound and transparent financial management. Further, the Auditor General has displayed a critical role as an external auditor of public services.

3. While legislation has some strong features on paper, its effectiveness is compromised by institutional flaws including, the proliferation of committees with little coordination, the lack of sufficient resources, expertise and authority, the lack of independence, as well as the lack of efficient cooperation and check and balance mechanisms. Cyprus needs a stronger system of accountability in government to prevent risks of undue influence. Additional steps are also necessary regarding access to information. While Cyprus has now a dedicated Freedom of Information Act (since 2017, as last amended in 2020) and a Law on Open Data, a culture of openness of public administration is yet to take root. Delays in responses are frequent and exceptions to access are interpreted too broadly. Regarding public consultation, a noteworthy upgrade of the system has recently taken place. It will be important to monitor the quality of consultation processes from now on in order to ensure relevant and timely stakeholder involvement in policy/regulatory development.

4. Cyprus has a presidential system. Accordingly, the President is vested with broad executive powers and is thus considered a PTEF for the purpose of the report. There is no system for analysing major corruption risk factors facing PTEFs in a strategic manner, nor to subject PTEFs to integrity background checks prior to their appointment. While there is a Charter of Ethics that PTEFs (not the President) sign and swear upon appointment, this is more of a declaration of principles than a fully-fledged system of ethics to abide by that would trigger consequences in cases of violation. All PTEFs could benefit from dedicated mechanisms for promoting and raising awareness on integrity matters (including confidential advice), as well as inception and in-service training. The issue of conflicts of interest, including in relation to revolving doors, is a particular challenge in Cyprus, yet its treatment is narrow in scope and, until very recently, circumscribed to a list of incompatibilities. A newly introduced feature is the ad-hoc declaration obligation whenever situations of conflict between private interests and official duties arise, as enshrined in Law 20(I)/2022 on Transparency in Public Decision-Making and Related Matters and its pertinent Regulations of 2023. Much more needs to be

¹ [2022 Special Eurobarometer on Corruption](#).

done regarding asset disclosure, particularly, to strengthen the corresponding supervisory and enforcement mechanisms. The introduction of lobbying legislation is an encouraging development, but it needs to be accompanied with targeted guidance for PTEFs on the corresponding standards of conduct regarding their relations with lobbyists and third parties, including in respect of informal contacts.

5. As for law enforcement, the report focuses on the police being the largest law enforcement body in Cyprus and performing the main law enforcement functions under national legislation. The level of trust in the police is lower than in most other EU members, which calls for substantial improvements. There is no integrity-risk assessment, nor a strategic compilation of data which would help identify vulnerabilities within the force so that these can be managed or mitigated. More can be done to strengthen vetting procedures, both upon recruitment and at regular intervals throughout the career of police officers. Likewise, additional action can follow to provide hands-on integrity training, not only at entry level, but also, and especially, to more senior officers at regular intervals, as well as to vulnerable sectors. Furthermore, the available mechanism for providing confidential advice to police officers on ethical and integrity matters should be strengthened.

6. Targeted measures should be introduced to enhance the objectivity (through measurable criteria) and transparency of decisions regarding the selection of officers for higher ranks, promotions, and transfers. This is also true with respect to the appointment and removal of the Chief and the Deputy Chief of the police (at present the Constitution only says that they are appointed by the President without specifying any further detail). There is a 25% female ratio in the police, which drastically falls when it comes to higher ranks. Steps should be taken to strengthen the representation of women in all ranks in the police as part of recruitment and internal upwards career moves.

7. The framework for oversight and accountability of the police would benefit from streamlining and clear guidelines/protocols on their operation and coordination. The system of public complaints is rather complex, with several entry points, and suffers from a lack of structured coordination between the competent authorities, and the absence of standardised procedures, with each authority following its own internal processes when dealing with complaints. This in turn hampers the effectiveness of the system and obscures accountability. There needs to be a holistic overhaul of how complaints are lodged and processed, as well as visibility and accountability as to how they are handled. Better tracking and statistics are necessary. Further improvements can also be made to the current disciplinary system of the police to better ensure that cases are decided in a timely manner and that misconduct is effectively punished. The adoption of a dedicated Whistleblowing Law in early 2022 is a welcome development, and so are several of the awareness-raising and implementation measures developed by the Ministry of Justice and Public Order and the police itself, but additional action appears necessary to effectively enable police officers to speak up in a safe manner.

II. INTRODUCTION AND METHODOLOGY

8. Cyprus joined GRECO in May 1999 and has been evaluated within the framework of GRECO's First (December 2000), Second (March 2005), Third (October 2010) and Fourth (November 2014) Evaluation Rounds. The resulting Evaluation Reports, as well as the subsequent Compliance Reports, are available on GRECO's website (www.coe.int/greco). This Fifth Evaluation Round was launched on 1 January 2017.²

9. The objective of this report is to evaluate the effectiveness of the measures adopted by the authorities of Cyprus to prevent corruption and promote integrity in central governments (top executive functions) and law enforcement agencies. The report contains a critical analysis of the situation, reflecting on the efforts made by the actors concerned and the results achieved. It identifies possible shortcomings and makes recommendations for improvement. In keeping with the practice of GRECO, the recommendations are addressed, via the Head of delegation in GRECO, to the authorities of Cyprus, which determine the national institutions/bodies that are to be responsible for taking the requisite action. Within 18 months following the adoption of this report, Cyprus shall report back on the action taken in response to GRECO's recommendations.

10. To prepare this report, a GRECO evaluation team (hereafter referred to as the "GET"), carried out an on-site visit to Nicosia from 12 to 16 December 2022, and reference was made to the responses by Cyprus to the Evaluation Questionnaire (Greco(2016)19), as well as other information received, including from civil society. The GET was composed of Mr Oddur Thorri VIDARSSON, Legal adviser, Althingi Ombudsman (Iceland), Mr Vladimir GEORGIEV, Commissioner, State Commission for the Prevention of Corruption (North Macedonia), Mr Mihaita Traian BARLICI, Director of the Prevention Directorate, General Anticorruption Directorate (DGA), Ministry of Internal Affairs (Romania) and Ms Michelle MORALES, Deputy Director, Office of Policy and Legislation, Department of Justice (USA). The GET was supported by Ms Laura SANZ-LEVIA and Ms Tanja GERWIEN from GRECO's Secretariat.

11. The GET met with representatives from the Office of the former President of the Republic of Cyprus, the former Council of Ministers, the former Secretary to the Council of Ministers, the former Minister of Justice and Public Order, the Attorney General, the Auditor General, the Information and Data Protection Commissioner, the Anti-Corruption Authority, the Ombudsperson, the Committee for the Investigation of Incompatibility, the Independent Specialist Committee, the Specialist Committee on the Declaration and Examination of Financial Interests, the Asset Declaration Council, Internal Audit, the Accountant General and other representatives of the Ministry of Finance³. It also met with members of the police, including representatives from the Professional Standards and Inspection Directorate, the Police Internal Affairs Service, the Police Academy, the Police Administration and Human Resources Department. The GET also met with the Authority of the Investigation of Complaints against the Police, and with police associations/unions. Finally, the GET met with representatives of the media as well as with NGOs, notably, Cyprus Integrity Forum, Transparency Now and Fimonoj Cyprus.

² More information on the methodology is contained in the Evaluation Questionnaire, which is available on GRECO's [website](http://www.coe.int/greco).

³ It should be highlighted that at the time of the on-site visit PTEFS of the previous Government were interviewed. All these PTEFS have now changed as of 1 March 2023 when a new Government has been established.

III. CONTEXT

12. Cyprus is one of the founding members of GRECO, having been a member since 1 May 1999. Since then, it has been subject to four evaluation rounds focusing on different topics linked to the prevention of and fight against corruption.⁴ In summary, 80% of recommendations were satisfactorily implemented in the First Evaluation Round, 60% in the Second Evaluation Round, and 87% in the Third Evaluation Round. In the Fourth Evaluation Round, dealing with corruption prevention in respect of parliamentarians, judges and prosecutors, 56% of the recommendations have been fully implemented, 37% partly implemented and 6% not implemented so far. The compliance procedure under that round is still on-going.⁵

13. The overall perception is that the level of corruption in Cyprus remains high. According to the Corruption Perceptions Index, published by Transparency International (CPI), Cyprus was ranked 51st out of 180 countries and had a score of 52 (out of a total score of 100 – where 0 corresponds to countries where there is a high level of corruption and 100 to countries with a low level of corruption). This perception has deteriorated over the past five years.⁶

14. According to the [2022 Special Eurobarometer on Corruption](#), 94% of the respondents consider that corruption is widespread in Cyprus (EU average: 68%) and 57% of respondents feel personally affected by corruption in their daily lives (EU average: 24%). Further, 70% of respondents believe corruption is widespread among politicians (EU average: 58%). A large majority (86%) of respondents believe that the use of connections is the best way to obtain certain public services (EU average: 53%) and 93% think that the too-close links between business and politics lead to corruption (EU average: 77%).

15. The so-called “golden passport”⁷ scandal triggered an infringement procedure of the European Commission concerning Cyprus⁸. The investor citizenship scheme was phased out on

⁴ Evaluation round I: Independence, specialisation and means available to national bodies engaged in the prevention and fight against corruption / Extent and scope of immunities; Evaluation round II: Identification, seizure and confiscation of corruption proceeds / Public administration and corruption / Prevention of legal persons being used as shields for corruption / Tax and financial legislation to counter corruption / Links between corruption, organised crime and money laundering; Evaluation round III: Criminalisation of corruption / Transparency of party funding; Evaluation round IV: Prevention of corruption in respect of members of parliament, judges and prosecutors.

⁵ These figures provide a snapshot of the situation regarding the implementation of GRECO’s recommendations at the time of formal closure of the compliance procedures. The country may therefore have implemented the remaining recommendations after the formal closure of the compliance procedure. For update, please check the GRECO website: <https://www.coe.int/en/web/greco/evaluations/cyprus>.

⁶ Cyprus’ 2021 score was 53, dropping from 57 in 2020. In 2019, Cyprus ranked 41, with a score of 58.

⁷ Investor citizenship schemes, or “golden passport” schemes, allow a person to acquire a new nationality based on payment or investment and in the absence of a genuine link with the naturalising country.

⁸ The authorities underline that, in its reply to the reasoned opinion given to the European Commission, Cyprus considered that the Commission should exercise its discretion and terminate the infringement procedure against Cyprus, as it is clearly without object, not only because Cyprus had abolished the Cyprus Investment Programme (CIP), and no pending applications existed on the expiry of the two- months’ notice given in the reasoned opinion, but also because it is without legal basis as member/states are exclusively competent to lay down conditions for the acquisition of national citizenship. The authorities consider that, in any case, the infringement procedure is without merit because, in their view, the CIP complies with Articles 4, paragraph (3) of the Treaty on European Union (TEU) and Article 20 of the Treaty on the Functioning of the European Union (TFEU). The authorities further stress that, on 13 October 2020, the Council of Ministers of Cyprus unilaterally and on its own motion decided to phase out (i.e., “gradually abolish”) the CIP as of 1 November 2020, and in any case, the remaining pending applications had been fully processed by 30 July 2021.

1 November 2020. Several internal inquiries have taken place in its respect: these have established that more than 53% of persons who managed to obtain citizenship, mostly dependants and company officials for whom there was no specific stipulation in the law authorising their citizenship, did so even though they did not actually fall within the ambit of the legal framework of the scheme (CIP) - as abolished. An Assize Court's (Larnaca Permanent Criminal Court) ruling of 4 November 2022, which acquitted all foreign investors, was appealed by the Law Office of the Republic on 18 November 2022 and the appeal is still pending.

IV. CORRUPTION PREVENTION IN CENTRAL GOVERNMENTS (TOP EXECUTIVE FUNCTIONS)

System of government and top executive functions

16. Cyprus is a republic and a presidential democracy established in 1960. It has a written constitution providing for a system of Government based on a separation of powers between the legislative, executive and the judiciary. The executive power is vested in the President of the Republic and the Council of Ministers.⁹ The legislative power is vested in both the Government and the House of Representatives (Parliament).¹⁰ The judicial power is exercised by the courts, as provided by the Constitution and by law (see also paragraph 21).

17. The arrangements above resulted from historical events that have occurred following the ratification of the 1960 Constitution of Cyprus. The Constitution established Cyprus' independence following the London and Zurich Agreements between Türkiye, Greece, the United Kingdom and Cypriot community leaders. The Cypriot people were divided into two communities, based on ethnic origin. The aim was to balance the rights and interests of both communities, notably by providing a system of mixed representation in state institutions.¹¹ The Constitution therefore provides for a Greek-Cypriot President and a Turkish-Cypriot Vice-President, who are elected by the Greek and Turkish Communities of Cyprus, respectively.¹²

18. However, in 1964, following the intercommunal troubles, the Turkish-Cypriot Vice-President withdrew from the Government along with all the Turkish-Cypriot ministers, deputies, officials, and personnel as well as the judges. A constitutional crisis ensued and since then, the Constitution of 1960 has been applied in a pragmatic manner on the basis of the Doctrine of Necessity (or Law of Necessity) with only Greek-Cypriots in state institutions.¹³

19. This had repercussions on the executive, legislative and judicial branches of power. With respect to the executive, the position of Vice-President of the Republic – reserved for a Turkish-Cypriot Vice-President – has been vacant since 1964 and is therefore not covered by this report. It resulted in the President of the Republic exercising, not only the powers vested in him/her, but also the formerly joint powers shared with the Vice-President, on his/her own.

20. With respect to the legislative, the Constitution provides for two communal chambers, a Greek Communal Chamber and a Turkish Communal Chamber, which have legislative power in educational, cultural, religious and other matters of purely communal nature, as well as personal status,¹⁴ and a House of Representatives, which has legislative power in all matters except those expressly reserved to the Communal Chambers¹⁵. However, following the intercommunal troubles, the Greek members of the House of Representatives passed a law abolishing the Greek Communal Chamber and transferred its responsibilities to the House of

⁹ Articles 46-49 and 55, Constitution.

¹⁰ Article 61, Constitution.

¹¹ See how this affects the judiciary, in particular the Supreme Court in the Venice Commission's Opinion on Three Bills reforming the Judiciary (CDL-AD(2021)043), *inter alia*, paragraphs 21-25.

¹² Article 1, Constitution.

¹³ Supreme Constitutional Court's judgment: *The Attorney General of the Republic v. Mustafa Ibrahim [1964] CLR 195*.

¹⁴ See Articles 86 and 87 of the Constitution.

¹⁵ Article 61, Constitution stipulates that: "The legislative power of the Republic shall be exercised by the House of Representatives in all matters except those expressly reserved to the Communal Chambers under this Constitution."

Representatives. In 1967, members of the Turkish chamber joined with the former Turkish members of the House of Representatives to establish a new Turkish Cypriot Legislative Assembly. However, although this chamber was never dissolved, it never exercised its powers.¹⁶ This means that the House of Representatives is effectively a unicameral parliament.¹⁷

21. With respect to the judiciary, a Supreme Court was established in 1964, replacing the Supreme Constitutional Court and the High Court as a new single court, representing the highest judicial authority in the country.¹⁸ The situation has recently changed with the reform of the judiciary whereby laws have been enacted (i) establishing a Court of Appeal dealing with civil, criminal and administrative cases at second instance (16 judges) and (ii) providing for the operation of the Supreme Constitutional Court (composed of nine judges) and the Supreme Court (composed of seven Judges), granting an additional third-degree jurisdiction to these two courts. These courts will become operative as of 1 July 2023 (17th Constitutional Amendment, Laws 145(I)/2022, 146(I)/2022 and 222(I)/2022).

The President

22. The President is both the Head of State and of Government and represents the State in all official functions.¹⁹ S/he is elected by direct, universal suffrage, secret ballot and has a term of office of five years. Until recently, there were no term limits provided under the Constitution for the office of President.²⁰ The thirteenth Constitutional amendment, published on 16 December 2019, now provides that a person shall be qualified to be a candidate for election as President or Vice-President of the Republic if s/he has not served consecutively in this office for the two immediately preceding terms. The power and tasks set out below are, for the reasons explained above, now exercised solely by the President of the Republic, without the counterbalance of a Vice-President.

23. The President has the right to designate and terminate the appointment of Greek Ministers. With respect to the Council of Ministers, the President convenes its meetings and presides over them, takes part in the discussions without having a right to vote and prepares the agenda for these meetings. S/he also has the *right of final veto* on decisions of the Council of Ministers concerning foreign affairs, defence or security and the right of return of decisions of the Council of Ministers.²¹

24. With respect to Parliament, the President has the *right of final veto* on laws or decisions regarding foreign affairs, defence, or security. The President has the *right of return* to Parliament for the reconsideration of any law, decision, or any part thereof. On the adoption of the budget by Parliament, the President may also exercise his/her right of return to Parliament on the ground that in his/her judgment there is a discrimination. If Parliament persists in its decision, the President is obliged to enact the law or decision or the budget, as the case may be, within the time limit fixed for the enactment of laws and decisions of

¹⁶ Achilles C. Emilianides, "The Case for Amending the Current Legal Framework" (2010) EKED.

¹⁷ For more information regarding this, see [GRECO's Evaluation Report \(Fourth Round\)](#).

¹⁸ For more information regarding this, see [GRECO's Evaluation Report \(Fourth Round\)](#).

¹⁹ Articles 36-37, Constitution.

²⁰ Articles 39 and 43, Constitution.

²¹ Article 48, Constitution.

Parliament by publication of such law or decision or budget in the Official Gazette of the Republic.²²

25. The President also has a *right of recourse* to the Supreme Court on the ground that any law or decision of Parliament, or any provision thereof, discriminates against either of the two (Greek/Turkish) Communities.²³ The President may also turn to the Supreme Court where the adoption of the budget by Parliament has been returned to Parliament by the President on the ground that in his/her judgment it is discriminatory, and Parliament has persisted in its decision.²⁴

26. The President also has the *right to refer* to the Supreme Court at any time prior to the enactment of any law imposing formalities, conditions or restrictions on the right to establish a business, for an opinion on whether or not the law is in the public interest or contrary to the interests of his/her Community.²⁵ The Fifth Amendment to the Constitution of Cyprus extended this power to cover the compatibility of a law or decision of the House of Representatives with EU Law.²⁶

27. The President may address or transmit his/her views to the House of Representatives by a message through the ministers. S/he also, on the unanimous recommendation of the Attorney General and the Deputy Attorney General of the Republic, remits, suspends, or commutes any sentence passed by a court in the Republic in all other cases.²⁷ Before the introduction of the Tenth Constitutional Amendment on 16 September 2016, abolishing the death penalty, the President had the prerogative of mercy in capital cases.

28. GRECO agreed that a head of State would be covered by the Fifth Evaluation Round under the "central government (top executive functions)" where that individual actively participates on a regular basis in the development and/or the execution of governmental functions or advises the Government on such functions. These may include determining and implementing policies, enforcing laws, proposing and/or implementing legislation, adopting and implementing by-laws/normative decrees, taking decisions on Government expenditure and taking decisions on the appointment of individuals to top executive functions.

29. It is noted that the President of the Republic of Cyprus is vested with broad executive powers as s/he is not only the Head of State, exercising purely ceremonial functions, but is also the Head of Government, involved in the exercise of executive powers. With respect to the Council of Ministers, the President has an active role in the appointment and dismissal of ministers, a right of final veto on its decisions concerning foreign affairs, defence, or security as well as a right of return of its decisions. With respect to Parliament, the President has the right of final veto on laws or decisions regarding foreign affairs, defence or security and a right of return for the reconsideration of any law, decision, or any part thereof. In view of the aforementioned, the President of the Republic of Cyprus is considered as exercising top executive functions within the meaning of this report.

²² Article 51, Constitution.

²³ Article 140, Constitution.

²⁴ Article 138, Constitution.

²⁵ Article 141, Constitution.

²⁶ https://e-justice.europa.eu/content_member_state_law-6-cy-maximizeMS-en.do?member=1

²⁷ Article 53, Constitution.

30. The unusual situation that resulted from the constitutional crisis of 1964 and the ensuing application of the Doctrine of Necessity (or Law on Necessity) is that the powers of the President of the Republic of Cyprus and those of the Vice-President have effectively been merged under the powers of the President. This provides the President with considerable powers, which place him/her in a position of predominance. This calls for an efficient system of checks and balances to hold the President accountable (see also section on oversight and enforcement mechanisms). The GET trusts that the recommendations included in this report will further add to the current system.

The Government

31. The Council of Ministers exercises executive power in all matters except those expressly reserved to the President of the Republic.²⁸ This includes the general direction and control of Government and the direction of general policy; foreign policy; defence and security; coordination and supervision of the public service; supervision/management of state property in accordance with the Constitution and the law; consideration of bills to be introduced to Parliament by a minister; preparation of an order or regulation to carry into effect laws and consider the State budget to be introduced to Parliament. The Secretary of the Council of Ministers, according to Article 60 of the Constitution, is in charge of the Council of Ministers' Office and shall, in accordance with any instructions as may be given to him/her by the Council of Ministers, attend its meetings and keep the minutes thereof, convey the decision of the Council of Ministers to the appropriate organ or authority or person and monitors the implementation of Council of Ministers' Decisions. S/he is a civil servant.

32. Decisions by the Council of Ministers are taken by an absolute majority and are effective immediately, except as otherwise stated, once published in the Official Gazette. Each decision taken by the Council of Ministers is immediately transmitted to the Office of the President, which has the right to return the decision to the Council of Ministers for reconsideration. If the Council persists with its decision, then the President must enact the decision should the exercise of the *right of return* not prevent the President from exercising the *right of veto*. The President has the right of veto with respect to decisions relating to foreign affairs, defence or security matters. If the decision is enforceable and no right of veto or return has been exercised, then the decision is enacted by the President through its publication in the Official Gazette.²⁹ Members of the Council are ministers appointed by the President.

33. Ministers are the head of their ministries. Their executive powers are limited to those that are not expressly reserved for the President or Council of Ministers under the Constitution.³⁰ These include: the execution of laws on, and administration of, all matters and affairs pertaining to the field of their ministries; the preparation of orders or regulations concerning their ministries for the submission to the Council of Ministers; issuing directions and general instructions for the implementation of any law pertaining to their ministries and of any order or regulation under that law and the preparation for submission to the Council of Ministers of the section of the State budget that relates to their respective ministries.

²⁸ Articles 47-49 and 54, Constitution.

²⁹ Article 57, Constitution.

³⁰ Article 58, Constitution.

34. The position of Deputy Minister to the President of the Republic was established by law³¹ in 1960 and s/he is appointed by the President. The Deputy Minister's competences and responsibilities include: coordinating between ministers on horizontal issues, notably on factors that may create delays or are matters of priority for the Government and the President; coordinating and monitoring the implementation of Government policies, in cooperation with the Secretary of the Council of Ministers; meeting with representatives of international organisations, ambassadors, etc., on specific policy issues; meeting, in the presence of the President or on his/her behalf, with organised bodies; accompanying the President or representing him/her in tasks and/or events, when assigned, inland or abroad; promoting specific strategic projects by priority sectors; political supervision, in cooperation with the Head of Administration of the Presidency, of the personnel serving the Presidency and the Presidential Palace and any other special duties assigned to him/her by the President.

35. A Deputy Minister is the Head of his/her Deputy Ministry and holds quasi-executive powers; s/he is appointed by the President³². His/her tasks include supervising the Deputy Ministry; representing the State in EU bodies or any international organisation in the development of transnational relations; managing matters concerning the powers/responsibilities conferred on the Deputy Ministry and preparing bills, decrees etc. concerning these powers/responsibilities which are then submitted to the relevant minister, who then in turn submits them to the Council of Ministers.

36. Cyprus, currently under the new government, has eleven ministries³³ and six deputy ministries³⁴. In these structures, there are three female and eight male ministers, and three female and three male deputy ministers, respectively. Thus, female representation in the aforementioned top government positions stands at 35%. In this connection, the GET calls the attention of the authorities of Cyprus to [Recommendation Rec\(2003\)3 of the Committee of Ministers of the Council of Europe to members states on balanced participation of women and men in political and public decision making](#), which outlines that the representation of either women or men in any decision-making body in political or public life should not fall below 40%.

Other persons exercising top executive functions

37. The Government Spokesperson is the political head of the Press and Information Office and of the Press Office of the President of the Republic. S/he is responsible for all matters related to the communication of Government policy, which s/he oversees in cooperation with the members of the Council of Ministers, the Secretary to the Council of Ministers, the Director of the Press Office of the President of the Republic and the staff of the Press and Information Office. S/he also attends the meetings of the Council of Ministers to be able to communicate its decisions directly and effectively. His/her status is equivalent to that of a minister. The Deputy Government Spokesperson exercises the responsibilities assigned to him/her by the President and the Government Spokesperson, to whom s/he is accountable.

³¹ The President and Vice -President of the Republic (Sponsorships and Offices) [L. 12/1960].

³² Deputy ministries are established by primary legislation and are a construct to accommodate the restrictions in the creation of further ministries resulting from the 1960 Constitution. Notably, Article 182 of the Constitution refers to Annex III to the Constitution, which sets out a list of unamendable provisions, which includes ministries.

³³ Ministry of Defence; Ministry of Education and Culture; Ministry of Energy, Commerce and Industry; Ministry of Finance; Ministry of Foreign Affairs; Ministry of Health; Ministry of Agriculture, Rural Development and Environment; Ministry of the Interior; Ministry of Justice and Public Order; Ministry of Labour and Social Insurance and Ministry of Transport, Communication and Works.

³⁴ These are: Shipping; Tourism; Research, Innovation and Digital Policy; Social Welfare and Culture.

38. The Director of the Office of the President is currently a political appointee. However, the post may also be filled through the secondment of a civil servant. The Director signs a charter of conduct upon appointment. His/her responsibilities are defined in his/her letter of appointment signed by the President of the Republic. This includes the coordination and oversight of the preparation of the President of the Republic's meetings; the coordination and collaboration with the Office of the Government Spokesperson and the Press Office in the preparation of speeches related to the President's activities; liaising with representatives of international organisations, ambassadors etc., on specific policy issues; holding meetings with social and economic bodies on behalf of the President and escorting the latter to official meetings in and outside the territory of Cyprus.

39. The Director of the Press Office of the President signs a charter of conduct upon appointment, and exercises the responsibilities defined in his/her letter of appointment signed by the President of the Republic. The responsibilities are those of a Media Relations Officer and include press overview and briefing of the President; editing the President's speeches before their publication; coordinating interviews, articles, and video messages; preparing the press conferences and statements, messages etc. of the President, the Deputy Minister of the President, the Government Spokesperson and briefing the media on issues relating to the President's activities.

40. The President of the Republic has the right to appoint advisors and/or associates, in accordance with their field of expertise, either with a salary or *pro bono*. All advisors' and associates' services end at the latest when the five-year tenure of the President of the Republic ends. There are currently two advisors to the President of the Republic and their services involve no fee (one is an Economic Advisor and the other is an advisor on Crisis Management and Civil Protection). At this point in time, there are also five associates that provide services on the basis of a standard employment contract. The number of associates may change over time.

41. There are three Commissioners: a Presidential Commissioner, a Commissioner for the Environment and a Commissioner on Gender Equality. All of them have specific tasks in their fields and the President and/or the Council of Ministers have the right to assign them any other task that they consider appropriate. Commissioners are appointed by the President of the Republic, in accordance with an Official Presidential Act, which sets out their responsibilities and the rules of their appointment. The Commissioners sign a charter of conduct upon their appointment. Their responsibilities mainly comprise the coordination and implementation of government policy.

42. Along with the official members of Government, the *State Budget Law* provides that the Government may appoint individuals as consultants and associates (CPTAs) as political appointees, through recruitment under private law. These persons are temporarily appointed personnel. They do not all have advisory tasks, some CPTAs have merely secretarial/clerical tasks with no possible role in policy making. There are currently no specific criteria that apply to their recruitment; however, they all sign a standard employment contract. The GET considers that it would be important that the relevant employment contracts contain criteria

and terms for the functions to be performed by the employee.³⁵ At present, there are 21 CPTAs. They report directly to the official with whom they have a contractual relationship. It is not expected that they would stay in service once the official who employed them leaves; only once has such a case arisen in practice and it is currently being challenged in court.

43. CPTAs' contracts include the terms, rules and duties of their appointment and are based on a template included in the Explanatory Memorandum of the Budget Law. The contract ends with the end of term of the Government or the termination of the Government member who recruited the CPTAs, or earlier at the discretion of the Government member. The CVs of CPTAs are not published. However, the House of Representatives is informed in writing about their academic background and their duties.

44. During the on-site visit, the GET discussed at length the status of the aforementioned categories of political appointees. There was general agreement that, whilst political appointees may not be vested with executive powers *stricto sensu*, they do have executive functions, as they either participate directly in decision-making regarding public policies or have a decisive influence in their development, given the position they hold. Therefore, the following persons are to be considered as PTEFs in the sense of this report: the President, ministers and deputy ministers, the Secretary of the Council of Ministers, commissioners, government spokespersons and deputy spokespersons, director of the Office of the President, director of the Press Office of the President, advisors to the President and CPTAs who are hired at the discretion of central government to give advice.

45. The GET found that the applicable corruption prevention framework that applies to PTEFs varies too widely. Ministers/deputy ministers are bound by the strictest requirements, in particular regarding financial reporting, incompatibilities and post-employment requirements. Some PTEFs (those who are appointed by the President) would be covered by the Charter of Conduct. CPTAs sign a standard service contract, but this contract does not include any integrity-related provision, other than the duty of confidentiality. As to the publicity of members of political cabinets, it is not easy for the wider public to obtain a holistic overview of their number and particular portfolio. Only the range of salaries per category is public. The ancillary activities of the cabinet members (when they engage in such activities) are not disclosed to the public. It is essential that all PTEFs are held to the highest standards of transparency, integrity, and accountability. **GRECO recommends that (i) the integrity requirements of persons hired at the discretion of central government to give advice to persons entrusted with top executive functions or to perform similar functions be thoroughly regulated, including as regards rules of conduct, conflicts of interest and financial disclosure obligations; and (ii) that the names, functions and contractual benefits (salaries etc.) of those hired for these positions are made easily accessible online and, when part-time recruitment/*ad hoc* engagement is the case, that information on their main job/activities is included.**

46. Moreover, the GET considers that closer attention needs to be paid to integrity issues as a part of the appointment process of PTEFs (a condition which is currently lacking), to address any issues that could potentially compromise, or be perceived to compromise, their capacity to perform public service in an impartial manner. **GRECO recommends that persons**

³⁵ After the on-site visit, the authorities indicated that they are currently working on legislation to better regulate the situation of CPTAs, including by attaching to their employment contracts an Annex containing a description of their duties.

entrusted with top executive functions undergo an integrity check ahead of or right upon their appointment in order to identify and manage possible conflicts of interest.

Remuneration of persons with top executive functions

47. The range of salaries for PTEFs is as follows (the average gross monthly wage in Cyprus amounts to approximately € 2 160/per month):

Position	Salary
President	€13 680 / per month
Minister	€8 874 / per month
Deputy Minister	€8 874 / per month
Government Spokesperson	€8 874 / per month
Director of the Office of the President of the Republic	€8 874 / per month
Director of the Press Office of the President of the Republic	€4 199 / per month
Deputy Government Spokesperson	€5 022 / per month
Commissioner	€7 354 / per month
Secretary of the Council of Ministers	€7 773 / per month
CPTAs who are hired at the discretion of the central government to give advice	€2500 / average amount of services provided by each CPTA/per month

48. The annual salaries and allowances of all public posts are published every year as part of the Budget Book in the Appendix entitled “Salary Posts” and in Appendix 3A entitled “Salaries of State Officials” of the Explanatory Memorandum. According to Note 9 of the Budget Book, all relevant remuneration regarding State officials and State officers is shown in the Appendix-Salary Posts i.e., the basic salary, the 13th salary, the cost-of-living allowance and fixed allowances (Representation Allowance, Acting Allowance (if applicable), Hospitality and Allowance for Secretarial Services).

49. As regards associates to Ministers/Deputy Ministers, on the basis of an informal agreement between Parliament and the executive power, each Minister or Deputy Minister is allowed an annual amount of €62 000 to spend on the employment of consultants, subject to a few exceptions: the Minister of the Interior and the Minister of Transport, Communication and Works have €65 000, the Minister of Finance has €142 000, and the Minister of Foreign Affairs has €104 000, respectively. This does not apply to the associates of the President. In 2023, the available budget for associates is €250 000 and currently, five associates work for the President...

50. PTEFs are also entitled to receive a pension based on their post and years of service. For Ministers, Deputy Ministers and the Government Spokesperson, if the duration of their service is under 12 months, then no gratuity or pension applies. If the duration was between 12 and 18 months, then the gratuity is 1/8 x the monthly pensionable emoluments at the end of service x months of service. For a period between 18 and 30 months, the gratuity is the annual pension x 14/3 and the annual pension is 1/8 x (months of service/30) x the annual pensionable emoluments at the date of the end of service. For each 12-month period over 30 months, the pension is increased by 25%. The annual pension is however limited to 50% of the annual pensionable emoluments on the retirement date.

51. For the President of the Republic, for a period of service of up to 30 months, the annual pension is multiplied by 1/4, the gratuity is the annual pension x 14/3. If the period of service goes beyond 30 months, then the annual pension is multiplied by 1/2 and the gratuity is the annual pension x 14/3. In both cases the gratuity is paid on the date of retirement.

52. For Commissioners, the Deputy Government Spokesperson and the Director of the Office of the President of the Republic, the pension is calculated on the basis of the monthly rate of each post. More specifically, this means that 3% is deducted from their monthly earnings and the total amount will be returned to the beneficiary following their leaving office.

53. PTEFs lose their allowances after the end of their term of office, resignation, or removal from office – except for the President of the Republic, who maintains the use of a motor vehicle and s/he is allowed to have a private secretary, provided that his/her term of office lasted for more than 30 consecutive months. In addition, the President is entitled to have escorting security following the end of his/her term of office (Article 5, Law 3(I)/2014). Law 3(I)/2014 does not provide with any time limit regarding the privilege of motor vehicle and private secretary. The time limit concerning the provision of protection services is determined of a risk-based approach.

Anti-corruption and integrity policy

54. In 2022, Parliament adopted three key laws to strengthen the applicable legal framework against corruption: (i) the establishment of an independent Anti-Corruption Authority³⁶; (ii) enhanced protection of whistleblowers; and (iii) regulation of lobbying.

55. The Law on the Establishment and Operation of an Independent Anti-Corruption Authority (Law 19(I)/2022) entered into force on 4 March 2022. It provides for a specialised body which is independent and has its own budget and staff. The Anti-Corruption Authority is not subject to instructions from any governmental authority, and its members may be dismissed under very strict conditions, similar to those applicable to judges of the Supreme Court. Its mission is to undertake all necessary initiatives and actions to ensure the coherence and effectiveness of public service actions, the broader public and the private sectors in the prevention and fight against corruption. It also ensures the implementation, progress, monitoring and evaluation of the National Strategy against Corruption. The Authority has both a preventive and an investigative role. Preventive, by educating and training the private and public sector on issues of corruption, engaging with risk management, making suggestions for the improvement of laws and procedures that are likely to enable acts of corruption, etc. Investigative, by its competence and by having the necessary legal powers to receive complaints or information regarding acts of corruption against the public sector and to assess and investigate them (for further details on the composition and powers of the Anti-Corruption Authority, see paragraphs 131-133).

56. The GET noted that, in spite of the recent scandal of the Cyprus Investment Programme (CIP) that has tainted the reputation of the executive and has further eroded public trust in top management, there appears to be no system for analysing major corruption risk factors facing PTEFs in a holistic and strategic manner. The authorities acknowledged that risk

³⁶ <http://www.mjpo.gov.cy/mjpo/mjpo.nsf>

assessment is another area that needs greater attention in Cyprus. It is foreseen that the Anti-Corruption Authority will take some responsibility in this respect, as it assures the effective implementation of the National Strategy against Corruption. The GET also refers to its previous comment regarding patchy/non-uniform integrity requirements in respect of the different categories of PTEFs. Moreover, interlocutors concurred on what, for the GET too, is a key shortcoming of the system: the proliferation of committees/bodies with limited remits or/and resources, overlapping responsibilities, lack of checks and balances, uncoordinated work, and as a result, limited impact and effectiveness. The establishment of the Independent Anti-Corruption Authority is a promising development, but it still needs to build a track-record and to ensure that its action does not duplicate, but rather ensures holistic coordination with, and adds value to, other structures already in place in the anti-corruption arena (see also under supervisory system).

57. The GET is firmly convinced that the time is right to develop a devoted anti-corruption policy for PTEFs in Cyprus. Such a policy would constitute a strong statement by the highest ranks of the executive for their unequivocal commitment to promote integrity, condemn corruption, and lead by example. The GET was pleased to hear that, after the on-site visit, the newly elected President of the Republic had decided to create an Internal Audit and Ethics Unit in the Presidential Palace. The GET trusts that the recommendations included in this report further contribute to the identification of areas that need additional development. **GRECO recommends developing a coordinated strategy for the integrity of persons entrusted with top executive functions, based on systematic and comprehensive risk assessment, aiming at preventing and managing conflicts of interest, including through responsive and efficient advisory, monitoring and compliance measures.**

Ethical principles and rules of conduct

58. Upon appointment, all PTEFs appointed by the President³⁷ sign a Charter of Conduct and the Ministers swear an oath by which they pledge to act with transparency, without bias and always in the general interest. They pledge not to use their office to promote their own personal interest, and likewise to avoid any actions that may be perceived as abusing their office for personal self-interest. They are also prohibited from acting in any way that may be perceived as favouritism or special treatment. This Charter does not cover the President.

59. The Charter further states that members of Government must devote their entire time to their duties. Therefore, they ought to resign from positions which they may hold in organisations, including non-profit organisations. Moreover, they must not accept any invitations to be hosted in their personal capacity by a foreign government or by natural or legal persons, whose activity is related to their ministry. Upon assuming and completing their duties, they must complete and sign a declaration of interests (assets, etc.), which is binding and published.

60. According to the Charter, any official who violates the Code of Ethics and Conduct, should immediately submit his/her resignation to the President of the Republic. However, the Charter seems to neither provide for a means of its supervision, for reference to such a procedure nor for an enforcement system. The authorities indicated, after the on-site visit,

³⁷ Ministers, Deputy Ministers, Government Spokesperson, Deputy Spokesperson, Director of the Office of the President, Director of the Press Office of the President, and Commissioners.

that, once established, the Internal Audit and Ethics Unit at the Presidency may overview the implementation of the Charter of Conduct.

61. The GET noted that while there is a Charter of Conduct, which some PTEFs (not the President) are to sign an oath on upon appointment. This is a declaration of principles which is far from a fully-fledged system of rules to abide by and which could trigger consequences in case of non-respect. At the time of the visit, the authorities were working on a Code of Conduct for members of the government. This is work in progress which is expected to be completed in 2023. As mentioned before, the newly elected President has also decided to create an Internal Audit and Ethics Unit at the Presidency. In line with its long-standing practice, **GRECO recommends (i) that a code of conduct for persons entrusted with top executive functions be adopted, published and complemented with dedicated guidance regarding conflicts of interest and other integrity related matters (on issues such as the prevention of conflicts of interest, gifts, hospitality and other advantages, third party contacts, accessory activities and post-employment situations, disclosure requirements, the handling of confidential information), and (ii) that it be coupled with a credible and effective mechanism of supervision and sanctions.**

Awareness

62. In principle, PTEFs can obtain further information and guidance on ethics from the Law Office of the Republic of Cyprus and the Ministry of Justice and Public Order. Advice on good governance can also be obtained from the Attorney General, who is the legal advisor of the President and the Government. However, the GET found no established practice of PTEFs turning to the aforementioned bodies/persons in case of ethical dilemmas. The GET is critically concerned that none of the dedicated bodies for issues related to the prevention of corruption is vested with any advisory capacity. As to training, the Ministry of Justice has intensified anti-corruption/integrity training for public officials, which is a positive development; however, the GET notes that the information provided refers to modules attended by civil servants, rather than top government officials.

63. The GET considers that there needs to be a dedicated mechanism for PTEFs, which would promote and raise their awareness on integrity matters, including by providing confidential counselling whenever necessary, as well as inception and in-service training. Therefore, **GRECO recommends (i) developing mechanisms to promote and raise awareness on integrity matters among persons exercising top executive functions, including through integrity training at regular intervals; and (ii) establishing dedicated confidential counselling to provide persons exercising top executive functions with advice on integrity, conflicts of interest and corruption prevention.**

Transparency and oversight of executive activities of central government

Access to information

64. Cyprus has neither signed, nor ratified the Council of Europe Convention on Access to Official Documents ([CETS 205](#)). The regulatory framework for the transparency of executive activities of the central Government and the broader public sector (Municipal and Community Authorities and any public authority that exercises executive powers) is the Law providing for the Right of Access to Information of the Public Sector of 2017 (Law 184(I)/2017), as amended.

This Law establishes the right of any natural or legal person to request and have access to information held by a public authority in Cyprus. Moreover, Article 29 of the Constitution safeguards the right of citizens to submit requests or complaints to the authorities, and to have them attended to within 30 days.

65. The Law obliges public authorities to have in place a publication scheme, approved by the Information Commissioner, who is the supervisory authority for the implementation of the aforesaid Law. The publication scheme includes categories of information that citizens may obtain from a public authority. The Information Commissioner has sent circulars and carries out follow-up work to ensure that public authorities have publication schemes and liaison officers. Likewise, the Information Commissioner (i.e. the Commissioner for Personal Data Protection) organised several online training sessions in 2021-2022.

66. Law 184(I)/2017 establishes that any natural or legal person has the right to request information held by a public authority. The public authority has to inform the applicant in writing about whether it has the information requested and should provide it to the applicant, unless certain exceptions apply, as set out by law. Such exceptions include: (a) where the application concerns personal data pertaining to the applicant or a third person, in which case the General Data Protection Regulation (GDPR) applies; (b) where access to information is regulated under another specific law (*lex specialis*); (c) where the request is incompatible with EU obligations; or (d) where access would constitute and be punishable as contempt of court.

67. In addition, access to public documents may be regulated by laws (*lex specialis*) other than Law 184(I)/2017 (e.g. data protection requirements, law on immovable property and information contained in property registers, company information, laws falling under the competence of the Capital Market Commission, etc.). Where these provisions block a request for access to information, the applicant has a legitimate interest and is to demonstrate that his/her legitimate interest prevails over the fundamental rights and freedoms of the person in question, by referring a complaint to the Information Commissioner.

68. Public authorities shall process the request for information within 30 days of its receipt, unless a longer period is provided by the regulations. On the request of a public authority, and for justified reasons, the Information Commissioner may extend this deadline. In some cases, an administrative fee may apply, although Law 184(I)/2017 provides that, as a rule, access to public documents should be free of charge. For example, a fee may apply if the request for access to information involves volumes of documents to be copied or many manhours to locate them. The public authority has to inform the applicant of the fee and of the three-months' statutory deadline (90 days) that applies to its payment. The public authority has 30 days from the date of payment, to provide the information requested. However, the public authority cannot arbitrarily determine an administrative fee for providing requested documents. A procedure for the calculation of fees must be in place, if such fees are necessary.³⁸ The applicant may submit a complaint before the Information Commissioner, if s/he considers that, in relation to her/his request, specific provisions of the Law have been breached by a public authority.

³⁸ The Laws and Regulations falling under the competences of the Treasury of the Republic provide that public authorities should seek the guidance of and consult with the Technical Committee for Determination and Review of Fees and Rights of the Treasury, for establishing a procedure for the calculation of administrative fees.

69. All legislation, including secondary legislation, is published in the Official Government Gazette of the Republic of Cyprus.³⁹ Other acts of Government, including individual administrative acts, are published in the Official Gazette if this is prescribed by the relevant applicable law. In the context of the Law on Further Use of Public Sector Data (Laws 132(I)/2006 205(I)/2015 (ind.), as superseded by Law 143(I)/2021), a wide range of data is available through the National Open Data Portal (www.data.gov.cy) (1 192 datasets from 80 public and wider public bodies sector). Also, all Government policies, reforms and strategies as well as development projects are published on the *Exandas* portal (<https://exandas.presidency.gov.cy/>).

70. As a general rule, the Council of Ministers publishes its decisions in the Official Gazette of the Republic of Cyprus, as well as on the website of the Council of Ministers' Secretariat. Some exceptions are provided by law (decisions bearing a classification grade, decisions deemed necessary in the interests of defence and security of the State, the constitutional order, the public order, public health, public morals, reputation and rights of any person or persons, the rights and freedoms guaranteed by the Constitution and the relations of the State with other States, decisions referring to any matters of personal and/or sensitive data under the 2018 Law on the Protection of Natural Persons with regard to the Processing of Personal Data and for the Free Movement of Such Data). Moreover, in the interest of transparency, a decision of the Council of Ministers⁴⁰ stated that the number of decisions not to be published should be limited to the bare minimum.

71. Cyprus has many key elements in place for a healthy access to information regime, mainly Law 184(I)/2017, which also provides for its monitoring by the Information Commissioner. However, the GET heard some criticism as to its effective implementation and the willingness and timeliness of public authorities to disclose information. It would appear that some further legislative work lies ahead in order to better reconcile particular laws (*lex specialis*) with access to information requirements and to enable the Information Commissioner to exercise certain powers over such laws. The GET also heard on-site that information requests were often denied on personal data protection grounds. Further, whilst the GET was told that, in principle, information is to be provided free of charge, the fact remains that the Law allows for fees to be charged if provided so by other laws or regulations, or if the public authority estimates that the cost of complying with a request would exceed the reasonable cost (i.e. in relation to the administrative burden of complying with the request). Also, the Law establishes a 30-day deadline to process applications, but longer periods are also possible if provided in other regulations. While there may be complex requests that could justify an extended deadline, this should be the exception rather than the rule. Further, it emerged that the 30-day deadline is often not complied with: 74% of the complaints received by the Information Commissioner in 2021-2022 relate to this matter. Both costs and long deadlines in delivering information may be constituting limiting factors for media, NGOs and the general public in resorting to the FOIA. Likewise, the constant references in the Law to other laws and regulations, including on the key issue of exceptions, renders the system needlessly complicated for the public. Against this background, the GET values the interpretative role of the Information Commissioner through its decisions, which clearly go in the direction of transparency and good administration.

³⁹ Article 52, Constitution.

⁴⁰ Decision No. 76,347, 23 January 2014.

72. The GET notes that in general, access to information legislation is an integral part of the right to freedom of expression and one of the most important tools for media, NGOs and the general public to hold the public authorities accountable. It appears that Law 184(I)/2017 is not being exploited to achieve these goals. No statistics are available on the number of requests that have effectively been given an answer at first instance by public authorities. The Information Commissioner has only received 41 complaints in two years and, more remarkably, almost no requests stem from members of the media. There are many possible reasons for this, but on-site interviews and the background information the GET has obtained point to a general lack of faith that an information request could lead to the disclosure of information that could be used to portray the public authorities in a negative light. In this context, it must be noted that before Law 184(I)/2017 was adopted, there was no obligation for the authorities to disclose any information at all. A [2011 report by Access Info Europe](#) found that only 9% of information requests resulted in the release of information and 75% of requests were met with “administrative silence”. Even though the aforementioned report dates from before the FOIA was adopted, and whilst recognising the major steps taken with the adoption of the Law and the important work carried out in recent years by the Information Commissioner, it is the view of the GET that more still needs to be done to establish a real culture and practice of openness and transparency within the authorities of Cyprus.

73. For the GET, there are both legislative and practical shortcomings in the access to information framework that call for thorough review and additional development. Consequently, **GRECO recommends that (i) access to information be subject to an independent and thorough analysis, with a particular focus on the scope of Law 184(I)2017, the exceptions to the right to access information and the application of these exceptions in practice, the applicable deadlines, the system of fees and the enforcement of the act; and (ii) in light of the findings of this analysis, additional measures be taken to improve public access to information and a culture of openness within the public authorities, where necessary.**

Transparency of the law-making process

74. Under the Ministry of Finance’s lead, an online platform was launched in 2023 to allow for public consultation of draft laws. Each ministry is to designate a focal point for public consultations and has to upload bills and other relevant documents to its official website for the purpose of public consultations with all stakeholders. The Ministry of Finance has issued a Consultation Guide to be followed when drafting laws, which includes guidelines on how to deal with and incorporate views received during consultation into a final proposal. In the Guide, a consultation period of four weeks is proposed as a minimum period of public consultation, after which reports are automatically delivered by the system to summarise inputs and results.

75. Furthermore, an impact assessment questionnaire must be completed to accompany all bills at all stages of the legislative process (i.e. at the Council of Ministers for approval, at the Law Office for the legal vetting and at Parliament for adoption). All bills are to be accompanied by an explanatory note, which must be checked and signed by the Attorney General in his/her capacity as the Legal Advisor of the Government.

76. The GET notes that public consultation procedures have been upgraded very recently. Until now, expert consultations were carried out in respect of sectorial legislation/policies, but

there was no established practice of conducting broader public consultations. In 2023, Guidelines for Public Consultations were issued. They provide a detailed layout of the consultation process, stages, involvement of stakeholders (public or targeted), deadlines, reports, evaluation, appointment of public consultation officers within ministries, etc. Impact assessment forms (questionnaires) have also been developed and they are quite comprehensive. An [e-platform](#) has also been put in place. These are encouraging measures, which the GET trusts will address a specific concern in this area: that consultation often does not take place at a sufficiently early stage in the process of drafting legislation and sometimes does not occur at all. As the system is very new, its implementation will need to be monitored to ensure consistent practice across the board. **GRECO recommends putting in place an institutionalised mechanism to monitor the quality of the consultation process in order to ensure relevant and timely stakeholder involvement in policy/regulatory development.**

Third parties and lobbyists

77. Contacts between PTEFs and third parties are regulated by the Law on the Transparency in Public Decision-Making and Related Matters (Law 20(I)/2022), as supplemented by its implementing regulations which were adopted in April 2023. The Anti-Corruption Authority is the competent body for monitoring implementation of the Law. Any representative of a special interest group, who intends to engage in a public decision-making process, is obliged to register himself/herself in the Register kept by the Anti-Corruption Authority.

78. Lobbyists must also submit a report to the Anti-Corruption Authority every six months, regarding any involvement in public decision-making processes. Information should be provided regarding details of lobbyist, subject matter of the engagement and intended purpose, areas of engagement in public-decision making processes (Annex II, Section 13). The same applies to public officials, who must do so within two months, by filling a specific form that contains all the required information, including the identity of the person(s) met, place and time of the meeting, issues and positions of the discussion and the sector to which it related (Annex III, Section 17). The Law does not apply to random meetings or random social contacts.

79. As mentioned earlier, the Anti-Corruption Authority is vested with a supervisory role regarding the contacts of public officials with representatives of groups of specific interest, when it examines issues of conflicts of interest. The Law further provides that the Authority issues and uploads, on its website, circulars that improve explanations on how the Law is applied.

80. The GET welcomes that a dedicated law on lobbying is now in place which includes sanctions in case of breach. Given the recent adoption of this legislation, the GET refrains from any conclusion on the potential effectiveness of the new rules, which will largely depend on their practical implementation. At the time of the visit, however, some of the interlocutors interviewed already anticipated some pitfalls regarding both the *personae* (who is considered a lobbyist) and the *materiae* (type of consultations) scope of the law. They nevertheless considered that, all in all, the adoption of the Law was a positive development and that it had, in itself, some good confidence-building value from which further improvements could follow in the light of practice. The GET notes that the regulation of lobbying is a complex matter and

there is no-one-size-fits-all model. Time and experience will prove if further adjustments are needed.

81. The Independent Anti-Corruption Authority is working on a Code of Conduct on the practices to be followed by representatives of special interest groups intending to engage in public decision-making processes. This is one side of the lobbying equation (lobbyists). It would also be important that PTEFs receive targeted guidance on the practical implementation of the newly adopted Law. Also, on the corresponding standards of conduct, which can be expected from them in their relations with lobbyists and third parties, including in respect of informal contacts that occur outside their workplace, etc. This will also help in reassuring public opinion that an ethical approach to lobbying is actively applied. **GRECO recommends that the Anti-Corruption Authority develops practical guidance for the implementation of the rules on how persons entrusted with top executive functions engage in contacts with lobbyists and other third parties seeking to influence governmental processes and decisions.**⁴¹

Control mechanisms

82. Cyprus is a common law jurisdiction and its institutions have embraced the separation of powers and, to some extent, the system of checks and balances. In Cyprus, the main actors that are contributing to applying checks and balances to the executive, and to some extent, the President, are set out below.

Supreme Court⁴²

83. Any person who has a legitimate interest and is adversely and directly affected by an administrative decision, act or omission has the constitutional right, under Article 146 of the Constitution, to submit a recourse action before the Administrative Court against the executive and administrative authority issuing such a decision, act, or omission. This recourse action may lead all the way to the Supreme Court, which has final jurisdiction over cases concerning a decision, an act or omission by the executive or the administration if contrary to the Constitution, law or where the person acted *ultra vires* his/her powers in the executive or the administration, provided that the act is not an act of government. Other laws also provide the right for internal administrative appeal (*hierarchical recourse*). Furthermore, Article 29 of the Constitution safeguards the right of citizens to submit requests or complaints to the authorities, and to have them attended to within 30 days.

Parliament

84. In Cyprus, the Government is not, as such, accountable to Parliament i.e. there is no vote of confidence on Government programmes. However, parliamentary oversight is continuously carried out over government policies: (a) by scrutiny of all bills before they are enacted (primary and secondary), especially the annual state budget law⁴³; (b) by examining issues the members of Parliament register for discussion in the parliamentary committees and/or by the plenary Parliament; and (c) by putting questions to ministers. Furthermore,

⁴¹ The authorities indicated that this guidance is already in the making. GRECO will assess the final outcome in the course of its compliance procedure.

⁴² See paragraph 21 on the recent reform of the judiciary.

⁴³ Article 81, Constitution.

annual reports are submitted by individual ministries and government departments as well as by quasi-governmental bodies, for Parliament's information.

85. The institution and types of parliamentary committees are regulated by Article 73(3) of the Constitution, which provides that: "the Committee of Selection sets up the Standing Committees and any other temporary, *ad hoc* or special Committee of the House of Representatives (*Parliament*) [...]".

86. Although neither the Constitution nor Parliament's Rules of Procedure provide for the institution of parliamentary committees of inquiry, parliamentary committees in Cyprus have all the powers that are usually granted to committees of inquiry and function as such when the need arises. In particular, under the Rules of Procedure of Parliament, each parliamentary committee has the right to summon any interested organ, authority, organisation, society, association, trade union, person or corporate body to provide information and evidence or to express and elaborate views and opinions on any matter under debate, including particular members of the government or the civil service. The procedure and form of the information and evidence submitted to a committee is determined by the committee itself.

87. Furthermore, under the relevant law, a committee may also request written or oral information from the civil service, public bodies, legal persons and private individuals, if it believes this information may be helpful to the committee in the execution of its duties as to the subject under scrutiny. Independent Officials, public officials or private individuals, appearing before a parliamentary committee, must speak the truth and must not deny or hide anything they have knowledge of, or which is under their control or possession and provide any public or private documents which may be helpful to the committee in the execution of its duties as to the subject under scrutiny. Refusal to provide information, documents or the provision of false information or documents to a parliamentary committee is a criminal offence. A person may only refuse to provide such information if it falls under a specific set of exceptions set out in law.

88. Standing parliamentary committees have been called upon to scrutinise acts and policies of the executive on multiple occasions. Each committee is bound to scrutinise policies falling within its competence. Further to that, in the past few years a number of *ad hoc* and special committees were established with specific mandates, including an *ad hoc* committee on the investigation of loans provided to politically exposed persons (PEP), an *ad hoc* committee on the state of the economy and the currently active *ad hoc* committee on the investigation on the demographic problem.

Auditor General

89. As regards oversight of State budget expenditures, the President appoints an Auditor General to be the Head of the Audit Office of the Republic, which is an independent body. The Auditor General is a member of the civil service, serves as an independent Officer and may not be laid off or removed from office except on the same grounds and in the same manner as a judge of the Supreme Court. S/he controls all disbursements and receipts and audits and inspects all the accounts and other assets administered, liabilities incurred by or under the authority of the State. For this purpose, the Auditor General, by virtue of Article 116(1) of the Constitution, has a right of access to all books, records and returns relating to such accounts and to places where such assets are kept. The GET heard some concern on-site regarding

effective access to documents in recent times. It is important to ensure that legal obligations and practice are fully aligned in this respect, without disregarding the powers vested in him/her by the Constitution and Law 113(I)/2002 relating to the Submission of Particulars and Information to the Auditor General.

Internal Audit

90. In 2003, the Law on Internal Audit was passed to address the need to modernise the Public Service and promote adherence to the values and principles of good public governance. This Law established the Internal Audit Service as an independent service responsible for the performance of internal audits in government organisations. With Cyprus' accession to the EU in 2004, the need arose to designate an independent audit authority responsible for the audit of EU co-funded programmes for Cyprus. The Internal Audit Service was chosen for that purpose. A system of internal audit has been instituted in the public service. At the time of the on-site visit, there were 26 internal auditors and it was foreseen that 13 new posts would be created in 2023 to provide for additional support.

91. The Internal Audit Service is headed by the Commissioner of Internal Audit, appointed by the Council of Ministers for a period of six years, which may be renewed for one additional term of service. The Commissioner's remuneration and terms of service are determined by the Council of Ministers and included in a contract signed by the Minister of Finance, on behalf of the Council of Ministers. The Commissioner cannot hold any other position or office in the Republic of Cyprus or receive remuneration for any other occupation (Article 3 of the Law).

92. The Commissioner is responsible for carrying out the internal audit function for all government organisations and is responsible for the preparation and submission of an audit report to the management of the audited organisation. The Commissioner also submits each year, an Annual Report describing the activities performed by the Internal Audit Service to the Internal Audit Board, which acts as the conduit between the Council of Ministers and the Internal Audit Service.

Accountant General

93. The Accountant General is appointed by the President of the Republic and heads the Treasury. A Deputy Accountant General is appointed in the same manner and replaces the Accountant General in case of absence/temporary incapacity. The Accountant General is appointed on the criteria of being "fit and proper" for his/her role and is a member of the permanent public service. Retirement, disciplinary control, including dismissal and removal from office, is dealt with by the Public Service Commission.⁴⁴

94. S/he manages and supervises all accounting operations concerning all moneys and assets administered, and liabilities incurred, by or under the authority of the Republic of Cyprus. The Accountant General receives and makes all disbursements of moneys of the Republic of Cyprus. S/he may exercise all powers and perform all functions and duties conferred or imposed on her/him by law and exercises these powers either in person or delegates them to a subordinate officer acting under her/his instructions.

⁴⁴ Chapter II of the Constitution: Articles 126-128.

95. The Accountant General initiated public financial management reform over the past ten years with the aim of strengthening the ability of the government to carry out proper financial management of that office and enhancing its transparency regarding government transactions. The office has a website disclosing the personal emoluments of all public servants and state officials.

Commissioner for Administration and the Protection of Human Rights (Ombudsperson)

96. The Commissioner for Administration and the Protection of Human Rights (Ombudsperson) deals with individual complaints against state authorities or public officers for questions of legality, good governance, maladministration and the protection of citizens and human rights.

97. The Ombudsperson's investigation may lead to a report, which is submitted to the implicated authority/ies, with conclusions, specific suggestions and recommendations that aim to resolve an issue both on an individual and systemic level. In this context, the Ombudsperson provides an extra-judicial control mechanism regarding decisions/policies taken/implemented by the wider public sector.

98. If, at any stage of the investigation or after its completion, the Ombudsperson decides that a criminal or disciplinary offence may have been committed by any officer, s/he shall refer the matter to the Attorney General of the Republic or to the competent authority, as the case may be, so that the appropriate measures can be taken.

99. The GET takes note of the applicable framework to provide oversight of the executive and to allow for certain checks and balances. The GET was pleased to hear that increased resources have been allocated in recent years to conduct internal audits of public institutions, although it was also recognised that work lies ahead regarding the introduction of risk management - a tool which would provide notable added value for corruption prevention and detection purposes. Likewise, the treasury has been implementing positive measures to assure sound and transparent financial management.

100. The Audit Office has also contributed to oversight in relation to the golden passport scheme (three special reports have been issued by the Audit Office in this respect⁴⁵) and other topical issues giving raise to public disquiet (e.g. air travel of the ex-President of the Republic⁴⁶). Some concerns were conveyed on-site as to certain margin for improvement regarding access to information and the freedom to decide the content and timing of audit reports and to publish and disseminate them. The GET encourages the authorities to think expansively and cooperatively in this respect, so as to provide for an effective system of checks and balances, subject to the powers vested in him/her by Articles 115-116 of the Constitution, the constitutional principles in general and the pertinent Law 113(I)/2002 relating to the Submission of Particulars and Information to the Auditor General.

⁴⁵ [Special Report of the Audit Office on the Procedure for the Naturalisation by Exception of Foreign Investors \(January 2020\).](#)

[Special Report of the Audit Office on the Granting of the Cypriot Citizenship within the Framework of the Cyprus Investment Programme \(September 2020\).](#)

[Special Report of the Audit Office on the Granting of the Cypriot Citizenship to Company Executives within the Framework of the Cyprus Investment Programme \(November 2020\).](#)

⁴⁶ [Special Report of the Audit Office of the Republic on Air Travel of the President of the Republic \(2020\).](#)

101. Further, the GET notes that, reportedly because of the Doctrine of Necessity (or Law of Necessity), the President is entrusted with the direct appointment of the top management of the key oversight bodies. This naturally generates a relationship of interdependence. The GET refrains from issuing a formal recommendation in this respect as the constitutional architecture of the State falls beyond the scope of the present evaluation. That said, the GET points to some examples already existing in Cyprus (e.g. Ombudsperson⁴⁷, Anti-Corruption Authority⁴⁸) where collegial decision-making plays a role in the selection of candidates. In the GET's view, such procedures bring greater assurances of transparency and independence. The GET was informed, after the on-site visit, that the new President had commissioned a former judge of the Supreme Court and former Judge of the European Court of Justice to prepare and present a proposal to the government regarding the establishment of an impartial Advisory Council which, following an open invitation procedure, would assess and recommend a list of qualified candidates. During the first phase of its establishment, the scope of the Advisory Council would cover the appointment of the members the Boards of the Quasi-Governmental Organisations.

Conflicts of interest

102. The Law on the Incompatibility in Exercising the Duties of Certain Officials of the Republic and Specific Profession and Other Relevant Activities (Law 7(I)/2008) excludes certain actions, activities, and functions as incompatible with holding certain public offices (see below for further details on the exact content of the applicable restrictions). Its *personae* scope covers, *inter alia*, the President, the members of the Council of Ministers and ministers⁴⁹. The system for preventing conflicts of interest provided under this Law is designed to exclude certain actions, activities, and functions as incompatible with holding certain public offices and is, to a large extent, focused on potential conflicts of interest (incompatibilities), listed in this Law. There is an obligation for its addressees to submit a written declaration, before accepting any office, to the Committee for the Investigation of Incompatibilities on possible incompatibilities.

⁴⁷ The Ombudsperson is appointed by the President, based on the recommendation of the Council of Ministers and with the prior consent of the majority of the House of Representatives. Recently, with a Decision by the Council of Ministers in June 2022 (Decision No 93.298), the selection and appointment procedure of the Commissioner was modified. The new procedure provides that, prior to the expiry of the Commissioner's term, the Council of Ministers initiates a public call for expression of interest for the position of the Commissioner and then, after it evaluates all the candidates, the Council recommends the most suitable one to the President of the Republic. Subsequently, the nominated person needs to be approved by the majority of the House of Representatives, and then, appointed as Commissioner by the President of the Republic.

⁴⁸ The proposal of candidates for appointment of the members of the Anti-Corruption Authority is made by an Advisory Council, which prepares a list of three candidates for each position, submits the list to the parliamentary committee for legal affairs and then to the President who chooses one candidate from the list for each position.

⁴⁹ The following officials fall under the scope of Law 7(I)/2008, Annex (Section 2): the President of the Republic, Ministers and Deputy Minister to the President, Members of the House of Representatives, Government Spokesperson, Governor of the Central Bank, Auditor General of the Republic, the presidents and members of the boards of directors of legal entities under public law, the president and members of the Commission for the Protection of Competition, Commissioner of Electronic Communications and Postal Regulation, the president and members of the Cyprus Energy Regulatory Authority, Commissioner of Personal Data Protection, Commissioner of Agriculture Payments, the president and members of the Tenders Review Authority, Commissioner for Children's Rights. Any other commissioner or regulator or registrar not being a public servant, appointed under any general or special law.

103. The newly adopted Law on Transparency in Public Decision-Making and Related Matters (Law 20(I)/2022) defines the notion of conflict of interest as any circumstance in which the personal or private interest of an official or member of the civil service or of the wider public sector or employee for the benefit of an official or connected person influences or is likely to influence the impartial and objective manner in which s/he acts or will act in the performance of his/her duties.⁵⁰ The Law imposes an obligation on officials to notify the Anti-Corruption Authority, in writing, when such conflicts arise, whilst obliging them to abstain from a decision-making process when they (or the persons connected to them) have a personal interest in the outcome of the decision. Subject to the provisions of the GDPR and the Law on the Protection of Individuals Against the Processing of Personal Data and the Free Circulation of this Data, the Anti-Corruption Authority may post on its official website, the persons who have been excluded from a public decision-making process without disclosing details of the reasons that imposed their exemption. Given the relatively recent establishment of the Anti-Corruption Authority, there is not practice so far in this respect.

104. The GET welcomes the introduction of an ad-hoc disclosure obligation whenever situations of conflict between their private interests and their official duties arise. This was an outstanding concern of GRECO, which had noted in previous evaluation/compliance processes that the understanding in Cyprus of what constitutes a conflict of interest was rather narrow, as it was basically circumscribed to a list of incompatibilities. In the course of the on-site visit, it became clear to the GET that conflicts of interest were automatically associated with corruption and a referral to the criminal system rather than seen from a prevention and management perspective.

105. This calls for targeted measures for PTEFs to raise their awareness on conflict of interest prevention related provisions (including the requirement of ad-hoc disclosure), as well as their understanding of what constitutes a conflict of interest, the risks they create and the ways in which they can be managed. Accordingly, both the recommended Code of Conduct and guidelines (paragraph 61), as well as training (paragraph 63), should pay particular attention to conflict of interest prevention. Tackling this matter will further require intensive and proactive coordination of decisions taken by different bodies/committees with competences in this field, with the ultimate goal of providing a harmonised approach, as recommended in paragraph 148.

106. The GET also has misgivings as to whether the full range of PTEFs would fall under the requirement of ad-hoc disclosure, given that the law establishes such an obligation when officials have the competence to initiate and/or formulate the content and/or determine the final outcome of a public decision-making process. As previously stressed in this report, it is important that all persons appointed on a political basis, who perform top executive functions, are subject to the highest standards of integrity. This is an area to be particularly looked at when implementing the recommendation in paragraph 45.

⁵⁰ For the purposes of the Law, "official" means any person who assumes any office or position provided for or established under the Constitution or any other law of the Republic who *ex officio*, has the competence to initiate and/or to formulate the content and/or to determine the final outcome of a public decision-making process.

Prohibition or restriction of certain activities

Incompatibilities, outside activities and financial interests

107. According to Article 41 of the Constitution, the office of the President is incompatible with that of a minister or a representative or a member of a Communal Chamber or a member of any municipal council including that of mayor or a member of the armed or security forces of the Republic or a public or municipal office. "Public office" means any office of profit in the public service of the Republic (or of a Communal Chamber), the emoluments of which are under the control either of the Republic (or of a Communal Chamber) and includes any office in any public corporation or public-utility body.

108. During his/her term of office, the President of the Republic may not engage, either directly or indirectly, for his/her own account or for the account of any other person, in the exercise of any profit or non-profit making business or profession.

109. The office of a minister is incompatible with that of a representative or of a member of any municipal council including that of mayor or of a member of the armed or security forces of the Republic or with a public or municipal office.

110. The Law on the Incompatibility in Exercising the Duties of Certain Officials of the Republic and Specific Profession and Other Relevant Activities (Law 7(I)/2008) provides for incompatibility with certain actions, activities, or functions in relation to certain officials. The incompatibilities are, as follows:

- (a) the provision to the public sector or to any public entity of legal, auditing, accounting, advisory, including the preparation of studies or any other nature of services;
- (b) the function of a member of a board of directors, a managing director, a general manager or their substitutes of a company, partnership, joint venture or business of the public sector to which any public contract for the provision of goods or the undertaking of a project or the provision of any services has been awarded or will be awarded;
- (c) the submission of a bid or the undertaking of any contract for the provision of works or services to the public sector to any public entity or a governmental or quasi-governmental company by the official himself/herself or by a company, partnership, joint venture or business of which s/he is part either as a simple shareholder or as a member of the board of directors in any capacity, or as their legal advisor;
- (d) the function of a director or a member of the board of directors of a public entity; and
- (e) the function of a member of a board of directors or a manager of a private company or the function of a member of the board of directors or a manager of a quasi-governmental organisation who deals with electronic or print means of communication.

Contracts with state authorities

111. The Law relating to the Incompatibility in Exercising the Duties of Certain Officials of the Republic of Specific Professions and Other Relevant Activities (Section 3.1, Law 7(I)/2008) places a ban on submitting a bid or undertaking any contract for the provision of work/services to the public sector, to any public entity or a governmental or quasi-governmental company by the official him/herself or by a company, partnership, joint venture or business of which s/he is part, either as a simple shareholder or as a member of the board of directors in any capacity, or as their legal advisor or function of a director or a member of the board of

directors of a public entity. The office holder may also not take on the function of a member of a board of directors, manager of a private company, the function of a member of the board of directors or a manager of a quasi-governmental organisation which deals with electronic or print means of communication.

Gifts

112. According to the Charter of Conduct, members of Government are not to accept any invitations for personal hospitality from a foreign government or from natural or legal persons whose activity is related to their ministry.

113. For the acceptance of gifts, the value of which exceeds €150 there is a procedure to follow, established by the Council of Ministers in line with a relevant recommendation by the Treasury of the Republic. For gifts that are of a purely complimentary nature or of minor value, exchanged through protocol, either in Cyprus or abroad, within the context of official visits, meetings or missions, or other donations, for which not accepting or returning the gift is deemed inappropriate – EU best practices should be applied.⁵¹ This means that in general gifts which exceed a value of €150 should not be accepted, unless their rejection would not be in the public interest. These gifts should then be used for the public good, which means that the recipient either purchases the gift and then deposits an amount equivalent to the gift's value in the Public Accounts or places the gift on the premises of the Ministry or Presidential Palace.

114. When a gift is directly given to the Ministry or the Presidency and not to an official, then secondary legislation applies, notably the Regulations of Government Warehouse of the Republic of Cyprus. According to Article 49 (c) of these Regulations, such gifts are entered into a special register kept by the warehouse (GEN 29), with an exact reference to its type, origin, exact or estimated value and the date on which the gift was received. The gift is then either stored in a special showcase in a state building's main or central position or in a warehouse.

115. Gifts offered to the President of the Republic, within the framework of protocol practice, either in Cyprus or abroad, within the context of official visits, meetings or missions, or other donations, for which not accepting or returning the gift is deemed inappropriate, are kept at the Presidential Palace, according to the same procedure described above.

116. The GET notes that the gift provision in the Charter of Conduct restricts the applicable ban when it is received from a giver whose activity is related to the ministry. In the GET's view, the ban should rather apply to any gift or benefit that could influence, or appear to influence, the carrying out of the PTEFs' duties. Practice has evidenced some challenges in this area, including recent concerns in respect of hospitality received by the President (who, as has been signalled before, is not covered by the Charter of Conduct).⁵² When drafting the recommended Code of Conduct (paragraph 61), it is important that robust provisions on gifts

⁵¹ Code of Conduct for Members of the European Parliament with respect to financial interests and conflicts of interest, Article 5 on gifts or similar benefits.

⁵² A number of controversies have arisen with respect to certain gifts accepted by the ex-President, e.g. air travel undertaken by the ex-President, which concerned several chartered flights organised by a Cypriot national living abroad and then continued by his successors following his death. Another related to the ex-President's private air travel in 2018 to the Seychelles for his family's holidays. See also [Special Report of the Audit Office of the Republic on Air Travel of the President of the Republic \(2020\)](#).

are included and that this issue also receives detailed attention in the recommended guidance and awareness-raising measures for PTEFs (including the President).

Misuse of public resources

117. The misuse of public resources constitutes a criminal offence, which is punished, pursuant to the Law on the Illicit Enrichment of Certain Public Officials (Law 51(I)/2004), with up to a seven-year prison sentence and/or a fine of €42 715 plus the confiscation of the pecuniary advantage.

Misuse of confidential information

118. The misuse of confidential information is covered by the Law on Security Rules of Classified Information, Documents and Material and Related Issues of 2021 (Law 84(I)/2021), which sets out a list of persons affected by this Law, more specifically those that handle classified information of the State and the EU.⁵³ It also provides for the monitoring of these persons through a verification system to ensure that they are, *inter alia*, trustworthy, reliable and not vulnerable to external pressure.⁵⁴

119. It is the Cyprus National Security Authority (i.e. the Ministry of Defence),⁵⁵ which supervises and monitors the compliance with the security conditions required for classified information of the State and the EU (Article 5 of Law 84(I)/2021).

120. The Law also lists offenses and penalties for the misuse of confidential information. Notably, anyone who has access to confidential information and disseminates or leaks it

⁵³ Article 4: “The persons handling classified information of the Republic and/or classified information of the EU or the means of processing such information, documents or material and in particular:

(a) the members of the Permanent Representation of the Republic to the EU, as well as the members of the delegations of the Republic, who attend Council meetings or meetings of its committees and groups or take part in other activities of the Council;

(b) other members of the public service of the Republic who handle classified information and/or EU classified information, whether serving in the territory of the Republic or in the territory of a Member State or in third countries;

(c) the Republic's external contractors and seconded staff handling Republic and EU classified information; and
(d) any other persons who, by reason of the nature of their work, handle occasionally or on a regular basis classified Republic and EU classified information, including persons employed by legal persons governed by public or private law or by municipal authorities;

must comply with the provisions of this Law and the provisions of the Regulations and Orders issued under it and in the case of EU classified information the provisions of Decision 2013/488 / EU.

⁵⁴ Paragraphs 2 to 6 of Article 15 state that:

(2) All persons required to have access to classified information and/or EU classified information shall be subject to verification to ensure that they are trustworthy, have character and prudence, so as not to cast doubt on their reliability, and are not vulnerable to pressure from external factors or other sources that could pose a security threat, in accordance with the provisions of subsection (1) and of the Protection of Natural Persons with regard to the Processing of Personal Data and for the Free Movement of such Data of Law.

(3) The verification referred to in subsection (2) shall be carried out with greater care depending on the level of classification, volume and specific access to classified information and/or EU classified information.

(4) Relevant records shall be maintained of security checks carried out on personnel.

(5) The personnel is informed about the security rules that apply during their work and is trained accordingly.

(6) *The executives of the services and entities of the Republic must have a complete picture of their members of personnel who handle classified information and / or EU classified information, in accordance with the relevant provisions of this Law and the Regulations and / or Orders issued under it.*

⁵⁵ <https://mod.gov.cy/en/eea.html>; <http://www.nsa.gov.cy>

and/or does not comply with Law 84(I)/2021 or regulations or orders issued under it, has committed a crime and is liable to a seven-year prison sentence and/or a €350 000 fine.⁵⁶

121. Equally important is the provision in the Terms of Appointment of the PTEFs, contained in their employment contracts, which emphasises the obligation to maintain complete confidentiality of any information, documents or data that comes to their knowledge, within the framework of their duties and responsibilities.

Post-employment restrictions

122. For former public sector employees, who seek to continue working in the private sector, the Law on the Control of Undertaking Work in the Private Sector by Former State Officials and Certain Former Employees of the Public and Wider Public Sector (Law 114(I)/2007) applies. It sets out restrictions for their employment opportunities in the private sector with the aim of protecting the public interest from the possibility of privileged information being used for the benefit of natural persons and private-law entities and against the interest of the State, as a result of a previously held position.

123. More particularly, officials must apply to the Independent Special Committee (see paragraphs 137-138) about any employment they wish to take up in the private sector within two years of leaving office. The Committee prepares a detailed and reasoned decision, which may either allow the applicant to be employed unconditionally by a specific private sector employer or to take up employment in the private sector subject to restrictions or conditions. These restrictions or conditions may be imposed with respect to the nature of the duties to be carried out in the context of taking up employment with a particular employer or regarding the time of taking up the work for the specific employer. Sanctions, consisting of fines or imprisonment, apply in the event of infringement (see paragraph 138 for details). The GET was told, after the on-site visit, that an amendment to the Law is now under scrutiny by the Supreme Court following a referral on its constitutionality by the President of the Republic.

*Decisions of the Independent Special Committee
on the Control of Undertaking Work in the Private Sector*

YEAR	NUMBER OF CASES	APPROVED WITHOUT CONDITIONS	APPROVED WITH CONDITIONS	REJECTED
2019	11	6	1	4
2020	17	10	6	1
2021	21	8	7	6
2022	13	4	1	8

124. The GET notes that the issue of revolving doors is quite topical in Cyprus. Post-employment rules were adopted in 2007 (as amended). The media has revealed, on several occasions (particularly before 2007), the existence of a direct relationship between the activity performed by the PTEF while in office and the new competencies acquired in the private sector thereafter (e.g. banking, health, energy sectors, etc.). The GET welcomes that the law provides for the Committee to act upon request and *ex officio* (it can call a person when it finds that there has been a violation of the law), but it notes that, in practice, its activity mostly focuses on responding to requests for authorisation to engage in private activities. The figures

⁵⁶ Article 19 of Law 84(I)/2021.

provided (see table above) also point at a limited number of requests. Further, it is not possible to see from those figures which type of cases were dealt with and the reasoning behind the decisions taken. The GET also notes that the current rules do not cover all political appointees under its *personae* scope (Article 4, Law 114(I)/2007).⁵⁷ **GRECO recommends that the post-employment regime be reviewed in order to improve its transparency and effectiveness and that it be broadened in scope to cover all persons with top executive functions.**

Declaration of assets, income, liabilities and interests

Declaration requirements

125. There are two parallel but autonomous systems of financial reporting, one for the President, ministers and members of Parliament (Law 49(I)/2004), and another for the so-called publicly exposed persons (Law 50(I)/2004). Asset declarations are to be filed within three months of coming into office and every three years thereafter, for the duration of their term of office, as well as within three months from the end of their term of office.

126. The contents of the declaration include: immovable property, including titles and encumbrances on such property with full description of the type, the extent, the topographical data, the means and the original acquisition cost of the property; all means of transport, including boats; material financial interest in any business; assets of all kinds comprising securities, debentures, shares and dividends in his/her own financial interest in private and public companies, deposits in commercial banks, savings banks or cooperative companies, income or benefits from insurance contracts and any other income. In addition, the declarations are to include any differentiation in the assets, which has occurred after the immediately preceding declaration, along with a sufficient explanation to justify this differentiation; and a statement of the debts held. The assets, income and liabilities of spouses and underage children must also be declared, but this information is not published.⁵⁸

127. During the on-site visit, the GET heard recurrent criticism regarding the ineffectiveness of the system. Discussions were ongoing within the Government as to how to step up financial reporting requirements. The GET was informed, after the on-site visit, that two draft laws, revising the existing laws, are being discussed in the relevant Parliamentary Committee. The Deputy Ministry of Digital Policy has already prepared an electronic platform that will be issued once the revised laws would be enacted. The platform is intended for the electronic submission of financial declarations. The filer, apart from the initial submission, will have the opportunity to amend his/her declaration whereas there is a differentiation as to the assets.

⁵⁷ Article 4 of Law: “state official” means a minister, government spokesperson, Auditor General of the Republic, Deputy Auditor General of the Republic, Chief of the Police, Deputy Chief of the Police, Director of the Office of the President of the Republic, Secretary of the Council of Ministers, commissioner, registrar or regulator, appointed in accordance with a law or decision of the Council of Ministers.

⁵⁸ Following a decision by the Supreme Constitutional Court, it was determined that the information relating to spouses and children would not be published. As to the issue to include in disclosures financial information on adult dependent family members, such a possibility has been considered by the Parliamentary Committee on Legal Affairs during the scrutiny of the Bill relating to the amendment of the Law on the Declaration of Assets and Audits of Property of the President the Ministers and the Members of Parliament [Law 49(I)/2004], which came into force as Law 68(I)/2017. As mentioned in the committee’s report to the plenary, the committee requested information on the asset declarations systems of various states via the European Centre for Parliamentary Research and Documentation, including information on the submission of information by dependent family members. It was finally decided by the committee to limit the scope of the law to underage children.

Furthermore, the platform facilitates not only electronic submission, but also aims to offer an effective digital check mechanism regarding the accuracy of the declarations submitted. To this end, the platform should connect electronically with the databases of other relevant governmental departments (e.g. Tax Department, Land Registry Office etc). The draft legislation, as it currently stands, foresees that the information in the electronic platform would be publicly available.

128. The GET sees several key flaws at present. Firstly, regarding the format and contents of the declaration, there is no requirement of e-filing and some of the fields are confusing, vague, and open to interpretation. Moreover, further itemisation appears necessary to cover moveable property (a gap already identified, which received a recommendation, in the Fourth Evaluation Round). Secondly, regarding the periodicity of filing, regular reporting is every three years, which seems a rather long period, particularly if there has been a substantial variation of wealth in between. More frequent reporting, such as on a yearly basis or when substantial changes in assets and interests occur, would make the declaration system more effective and justified. The GET understands that there is an ongoing discussion (with some initial steps under preparation, see paragraph 127) on how to address some of these shortcomings.

129. Lastly, financial declaration requirements do not apply to all categories of PTEFs covered in the present report, but only to the President, ministers/deputy ministers (Law 49(I)/2004), and the government spokesman, the director of the Office of the President, Commissioners, and the Secretary to the Council of Ministers (Law 50(I)/2004). Thus, deputy spokespersons, the director of the Press Office of the President, advisors to the President and CPTAs hired at the discretion of central government to give advice to PTEFs, are not currently required to file financial declarations. The GET is of the view that as long as these persons of trust have a role in decision/policy making, they should be covered by similar disclosure requirements. In doing so, due consideration must be paid to the issue of including financial information on spouses and dependent family members in their declarations (it being understood that such information would not necessarily need to be made public). **GRECO recommends (i) extending to all persons entrusted with top executive functions (including deputy spokespersons, the director of the Press Office of the President, advisors to the President and CPTAs hired at the discretion of central government to give advice to persons entrusted with top executive functions) the duty to declare their financial interests, and considering including information on spouses, civil partners and dependent family members (it being understood that the latter information would not necessarily be made public); (ii) that asset declarations be redesigned to provide for further itemisation and better comparability; (iii) that they be submitted online in machine readable form to allow for automated processing and verification; and (iv) that the frequency of the disclosure obligation be reviewed with a view to enhancing the usefulness of the information received and the overall effectiveness of the system.**

130. Moreover, the current oversight and enforcement system needs to be significantly stepped up. The responsible committees (see paragraphs 139-145) lack independence, staff, financial expertise, and powers to carry out effective verifications and be able to detect hidden cash-flows. Currently, the type of verification that is carried out is formalistic, without going beyond and cross-checking data with other databases. Moreover, while it is possible for the public to submit complaints to the responsible committees, this is not common practice. As regards enforcement, the system also has key flaws. Law 49(I)2004 does not provide for any

defined sanction in cases of omission to submit a declaration or for false declarations. Furthermore, it leaves to the discretion of the President the decision to impose a sanction over a minister/deputy minister for failure to file or for incorrect filing. Nothing is said as to how the President himself/herself would be sanctioned in the event of a financial disclosure breach. Regarding Law 50(I)2004 on asset disclosure requirements for publicly exposed persons, it provides sanctions for false declarations (imprisonment of up to one year or/and a fine) and non-disclosure (fine), but it says nothing about late filing and incomplete declarations. No sanction has ever been issued under Law 49(I)2004 insofar as the President and the ministers are concerned. Under Law 50(I)2004, some sanctions (fines) have been applied (including in respect of one Commissioner), as well as the publication online of the name of the person not filing the disclosure. **GRECO recommends (i) ensuring substantive verifications of financial declarations of persons entrusted with top executive functions; (ii) that sufficient authority, expertise, resources, and independence be provided for this purpose; and (iii) that clear consequences and effective, proportionate, and dissuasive sanctions are applied to guarantee the veracity of information declared, as well as the actual timely filing of a declaration.**

Accountability and enforcement mechanisms

Non-criminal accountability mechanisms

The Anti-Corruption Authority

131. The Law on the Establishment and Operation of an Independent Anti-Corruption Authority provides for an Independent Authority composed of the Transparency Commissioner and four members. All five members are appointed by the President of the Republic, whose decision is based on the recommendation of an Advisory Council, who suggests a list of qualified candidates: three for every position. This list is then submitted to the Parliamentary Committee on Legal Affairs, and, following a confidential discussion before the said committee, the Council submits the list to the President. The Advisory Council consists of five members (a retired judge of the Supreme Court and four *ex officio* members, the President of the Cyprus Academy of Sciences, Letters and Arts, the President of the Cyprus Bar Association, the President of the Institute of Certified Public Accountants of Cyprus and the President of the Cyprus Rectors Conference (of the Universities of Cyprus).

132. The Anti-Corruption Authority may investigate actions against any public servant or official, including the President of the Republic. In this regard, it has access, among others, to information, databases and may take testimonies and recruit experts for the performance of specific investigative acts. Regulations regarding the selection of a specialised investigative staff needed to achieve the full operability of the Authority and the further addition of a range of sanctions were enacted and entered into force on 16 December 2022.

133. By virtue of the Law on Transparency in Public Decision-Making and Related Matters (Law 20(I)/2022), the Authority also has a supervisory role regarding the contacts of public officials with representatives of groups of specific interest, when it examines issues of conflicts of interest. Sanctions for infringements of the aforementioned Law consist of administrative fines (up to €100 000), suspension and recall of registration in the lobbyist register.

Committee for the Investigation of Incompatibility

134. The Law on the Incompatibility in Exercising the Duties of Certain Officials of the Republic and Specific Profession and Other Relevant Activities (Law 7(I)/2008) set up a Committee for the Investigation of Incompatibility, which is composed of a retired judge as the chairman of the Committee, the Accountant General of the Republic, one Attorney from the Office of the Attorney General of the Republic and the Secretary General of the House of Representatives as members, all appointed by the Council of Ministers.

135. It investigates either on its own initiative, upon a complaint or after a written disclosure of the person who assumes office. If it finds that there are grounds for incompatibility and there was influence by an official (etc.), then an investigation is carried out and reasoned conclusions are drawn up and submitted to the appointing body of the official in question. The investigation process, the conclusions, and the summoning of witnesses before the Commission is subject to regulations issued by the Council of Ministers and approved by the House of Representatives. The reasoned conclusions constitute an administrative act that may be appealed to the Supreme Court.

136. Irrespective of any other legal consequences, all the acts, contracts, privileges, grants, or other rights perpetrated by taking advantage of a discovered incompatibility are void in relation to the official having been found guilty of breaching the law. False or untrue declarations to the Committee are subject to criminal liability, which may be subject to a fine and/or imprisonment.

Independent Special Committee on the Control of Undertaking Work in the Private Sector

137. Under the Law on the Control of Undertaking Work in the Private Sector by Former State Officials and Certain Former Employees of the Public and Wider Public Sector (Law 114(I)/2007), an Independent Special Committee was established. It is composed of a representative of the Law Office of the Republic, appointed by the Attorney General of the Republic who shall be chairman of the Committee; one representative of the Audit Office, appointed by the Auditor General of the Republic; and one representative of the Treasury of the Republic, appointed by the Accountant General.

138. Its function is to examine applications by former public officials and decide whether or not the applicant may undertake work in the private sector. It investigates on its own initiative or upon a complaint or after written disclosure of the person who assumes office. Breaches of post-employment requirements may entail sanctions consisting of fines (up to €30 000) or imprisonment (up to three years).

Specialist Parliamentary Committee on the Declaration and Examination of Financial Interests

139. The Law on the President, Ministers, and Members of Parliament (Declaration and Audit of Assets) (Law 49(I)/2004) provides for a Specialist Parliamentary Committee on the Declaration and Examination of Financial Interests ("the Committee"), which ensures compliance with the obligation to submit asset declarations.

140. The Law provides guidance as to when such a procedure can commence, for example, following a complaint indicating that details are missing in the declaration, or when it is

obvious that a declaration is incorrect. Anyone may submit complaints to this Committee, by sworn written statement.

141. Anyone obstructing this audit work or refusing to provide evidence, will be deemed guilty of an offence and, if convicted, is fined an amount not exceeding €5 000 and/or to a prison sentence not exceeding one year. The audit of the asset declarations must be completed within three months from the receipt of the declaration. Once the audit is completed, a report is drawn up. Under the law, in order to fulfil its mandate, the Committee may refer the accounting and financial audit of the declarations to a professional auditor, who is licensed as a professional under the laws of the Republic and who is chosen from a list prepared by unanimous decision of the Speaker of the House, the Minister of Finance and the Auditor General.

142. Should the Committee find any grounds for further investigation on the basis of this report, it informs the audited President or Minister. The latter will have a month to respond from the date of notification and provide the requested information. If the Committee finds no ground for any further investigation, it prepares a report which it sends, along with the auditor's report, to the audited President or Minister. If there are grounds to continue the investigation, the audited President or Minister is informed of this by the Committee.

143. Law 49(I)/2004 does not provide for any defined sanction in cases of omission to submit a declaration or for false declarations. It does however provide that the consequences are to be decided by the President.

Asset Declaration Council

144. Finally, Law 50(I)/2004 establishes an Asset Declaration Council which ensures compliance with the obligation of publicly exposed persons to submit asset declarations. The Council is composed of three members, consisting of a lawyer of recognised standing and reliability as Chairperson and two other persons of recognised standing and reliability as members, appointed by the Council of Ministers. The GET was told that the Council currently monitors the asset declarations of about 1 000 persons.

145. The Law further establishes that compliance work can be carried out *ex officio* if irregularities are detected or upon a public complaint, in which case certified auditors are called into the process to verify the forms. As per the applicable sanctions, the non-submission of a declaration is punishable with a fine (of up to €5 000 and up to €100 for each day of the continuation of the omission) and imprisonment (of up to one year). A fine not exceeding €5 125 is applied in the event of false declarations. Anyone obstructing this audit work or refusing to provide evidence, will be deemed guilty of an offence and, if convicted, is fined an amount not exceeding €5 000 and/or to a prison sentence not exceeding one year.

146. As already highlighted, there is a multitude of committees/institutions in the anti-corruption field under different mandates. Rather than this being an asset, it was portrayed as a main weakness of the anti-corruption and integrity system, which in citizens' eyes lacks coherence and effectiveness. This view was also reflected in multiple on-site interviews. The GET refrains from being prescriptive as to how Cyprus organises its institutional set-up; however, it considers that the experience developed so far with a multitude of oversight

committees/bodies should be evaluated and alternatives, such as consolidation with a lesser number and one institution taking the leading role, should be examined.

147. The recent creation of the Anti-Corruption Authority was viewed by many of the interlocutors met as an encouraging development. The Authority is vested with both preventive tasks and investigative powers and has main responsibility in overseeing implementation of the Anti-Corruption Strategy and its Action Plan. However, the Authority was established by law in early 2022, only adopted its operating regulations by the end of that same year⁵⁹ and is still recruiting its personnel. The Authority was expected to start its work in the first half of 2023. At the time of the visit, the Authority was said to be overloaded with complaints from citizens and high public expectations on its role, but the resources at its disposal were limited. In terms of staff, there were one legal advisor, one administrative officer and two persons on contract. The two biggest cases in the in-tray of the Authority relate to the passport and investment programme along with complaints of corruption and collusion within an investigation into the prisons.⁶⁰ The GET was told that building a pool of (40-50) investigators was proving to be particularly difficult. The GET considers that it is too early to assess the role that the Authority is to play in the current anti-corruption institutional set-up since the institution has recently been created and has recently started to function. For the Authority to prove its value and assert its credibility, it will need to work proactively and efficiently. In order to do so, it first needs to secure adequate resources that enable its effective operability. **GRECO recommends that the Anti-Corruption Authority be provided with adequate material, financial and personnel resources to perform its tasks proactively and efficiently with respect to persons entrusted with top executive functions.**

148. Another aspect that the GET firmly believes must be addressed is that of transparency of the work of the respective committees. While, in the best scenario, they may fall under a requirement to report to other State bodies (e.g. Parliament, President, Attorney General), they do not publish regular public reports containing, *inter alia*, statistics, analysis of trends, decisions taken (with due observance of privacy concerns), etc. Moreover, there are no institutionalised mechanisms for co-operation and exchange of information between the relevant bodies to avoid overlaps and gaps, as well as to share and build on lessons learned. Finally, when there is suspicion that a criminal offence of corruption may have been committed, cases are referred to the Office of the Attorney General, who decides whether to prosecute or not. But the GET found no consistent practice regarding feedback processes to the responsible oversight bodies on the outcome of further action taken and on the outcome of the case. However, provisions regarding feedback between the Anti-Corruption Authority and the Attorney-General in relation to criminal investigations of corruption are in place in the relevant legislation (Article 10, Law 19(I)/2022), which is a welcome development, but it is too early to assess their operability in practice. In light of the foregoing considerations, **GRECO recommends that as regards the dedicated bodies for issues related to the prevention of corruption of persons entrusted with top executive functions (i) measures be taken to streamline their work and that effective institutionalised cooperation, information exchange and feedback processes are developed among them; and (ii) that they operate with an appropriate level of transparency and issue regular reports on their activity which are properly communicated to the public.**

⁵⁹ The regulations for the operation of the Anti-Corruption Authority were adopted on 16 December 2022.

⁶⁰ The case on the passport and investment programme has been handed to the Anti-Corruption Authority by the Auditor General and the case on corruption and collusion within an investigation into prisons was raised by the Director of Prisons Department.

Criminal proceedings and immunities

149. Criminal proceedings against PTEFs are the same as for any other citizen. The only difference being the immunity in criminal proceedings enjoyed by the President of the Republic, during his/her term of office. Accordingly, s/he is not liable to any criminal prosecution (nor civil action) for activities carried out in the exercise of the official function during the term of office, save the exceptions provided under Article 45 of the Constitution, i.e. prosecution for high treason and offences involving dishonesty or moral turpitude. For immunity to be lifted, the President of the Supreme Court is to give his/her assent to the Attorney General. In theory, corruption could fall under these categories, however the Supreme Court has not yet pronounced itself on such a situation.

V. CORRUPTION PREVENTION IN LAW ENFORCEMENT AGENCIES

Organisation and accountability of law enforcement/police authorities

Overview of various law enforcement authorities

150. There are several government services that are considered law enforcement authorities (hereinafter: LEA), each in its own field, such as the Cyprus Police which operates under the auspices of the Ministry of Justice and Public Order, the Customs and Excise Department which operates under the auspices of the Ministry of Finance, the Unit of Combating Money Laundering (F.I.U.) which operates under the auspices of the Attorney General's Office, the Tax Department, municipalities, and others.

151. However, the main law enforcement agency, especially with regards to investigation of corruption offences, is the Cyprus Police (hereinafter: the Police). This is because the Police, by law, is the only organisation which consists of sworn officers authorised to carry weapons, use force, carry out searches and arrests, and investigate and prosecute crime, amongst a vast range of other powers. Moreover, members of the Police (hereinafter: LEO) also operate as border guards and hold the main operational responsibility for border surveillance and border checks, through the Aliens and Immigration Service, the Port and Marine Police Unit, as well as the Cyprus Police Aviation Operation Unit. Channels are in place to enable close and swift cooperation within the Police's own structures, as well as with other LEAs (e.g. development of MoU, direct contact, access to databases, etc.).

152. The Police was established in 1960, following independence. It is a civil organisation, of a relatively small size comprising approximately 5 000 officials. This number includes the Special Police Constables, who perform mainly auxiliary duties, such as guarding, escorting, clerical, and other tasks. It also includes specialised Police personnel, who staff specific departments, services, and units of the Police. As far as the gender balance is concerned, males are 75% and female 25% approximately.

RANK	MEN	WOMEN	TOTAL
CHIEF OF POLICE	1		1
DEPUTY CHIEF OF POLICE	1		1
ASSISTANT CHIEF OF POLICE	4		4
CHIEF SUPERINTENDENT	7		7
SUPERINTENDENT A'	15		15
SUPERINTENDENT B'	11	1	12
CHIEF INSPECTOR	59	5	64
INSPECTOR	176	22	198
SERGEANT	504	98	602
CONSTABLE	2336	814	3150
TACTICAL SPECIAL CONSTABLE	4	27	31
SPECIAL CONSTABLE	530	333	863
TOTAL	3648	1300	4948
SPECIALISED STAFF	62	16	78
GENERAL TOTAL	3710	1316	5026

NO. PROCLAMATION	DATE PROCLAMATION	APPLICATIONS			RECRUITMENT		
		NO. APPLICATIONS	APPLICATIONS BY WOMEN	%	NO. RECRUITMENTS	WOMEN	%
5186/211	22/03/2019	1419	489	34.46	127	36	28.35
5186/212		269	114	42.38	24	10	41.67
5247/1054	13/12/2019	1345	458	34	205	51	24.88
5247/1055		331	129	38.99	24	13	54.17
5313/866	06/11/2020	1486	523	35.19	228	49	21.49
5350/369	14/05/2021	418	170	40.67	53	15	28.30
TOTAL		5268	1883	35.74	661	174	26.32

153. The GET notes that the ratio of women in the police is low, particularly at higher echelons (as evidenced in the table above). From 2005, there has been an increase in the number of women recruited at entry level (aiming at a 50% ratio); however, this ratio has decreased in the last three years (34% in 2020, 25% in 2021 and 26% in 2022). The GET considers that more needs to be done to have women better represented in the police force, including in strategic, managerial, and policymaking positions. Seeking a better gender balance is not only a requirement of equality under international law, but can also bring about substantial improvements in day-to-day work and routines (e.g. in contacts with the public, in creating a more heterogeneous environment in some parts of the police which could counter a possible code of silence, further developing multiple-eyes routines, etc.). In this connection, the GET considers diversity and gender equality a key mechanism in the prevention of groupthink and in turn corruption. Accordingly, a recommendation to pay particular attention to the integration of women at all levels in the police is made later in this report (see paragraph 196).

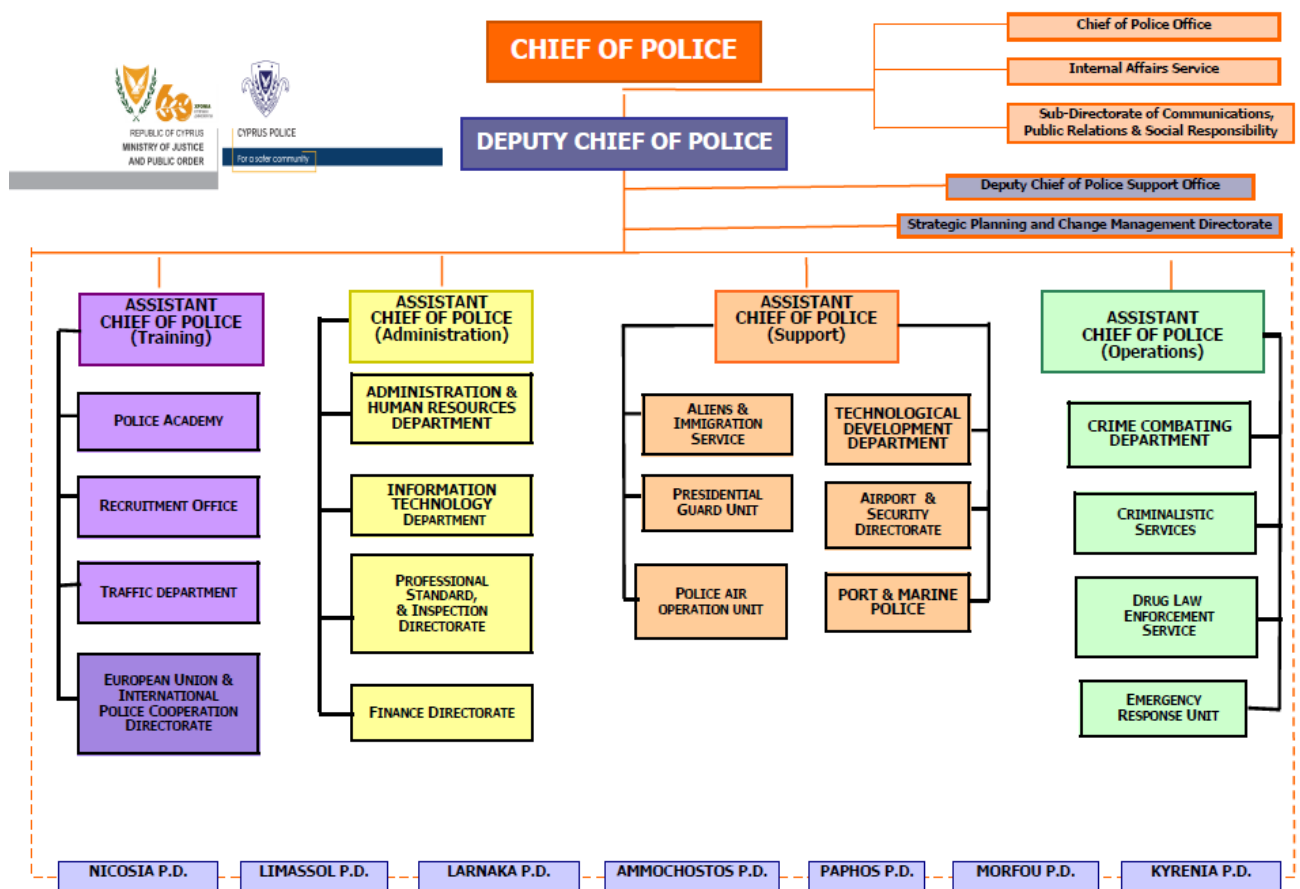
154. The organisation and activities of the Police are governed by the following legislation and regulations: Constitution, Law on Police 73(I)/2004 – as amended, Police Regulations (General) (Regulatory Administrative Act 51/1989), Police Regulations (Promotions) (Regulatory Administrative Act 214/2004), Police Regulations (Disciplinary) (Regulatory Administrative Act 53/1989), Regulations on Special Constables (Process of Appointment and Terms of Employment) (Regulatory Administrative Act 216/2004), Police Regulations (Promotions of Specialised – Scientific Personnel) (Regulatory Administrative Act 191/2006), Police Standing Orders (issued by the Chief of Police), Penal Code (Chapter 154), Law on Criminal Procedure (Chapter 155) and Evidence Law (Chapter 9).

155. The duties and responsibilities of the Police are set out in the Police Law and include the maintenance of law and order, the prevention and detection of crime, as well as, arresting and bringing offenders to justice. However, in the context of the worldwide social economic changes and developments that have been taking place, as well as, the needs of contemporary Cypriot society, the Police has begun to gradually diversify its role and mission, changing from a force to an organisation, which aims not only to fulfil its mission, as set out by law, but also to provide services and assistance to the public. A considerable part of police human resources and means are dedicated to the achievement of this aim.

156. The organisation of the Police is based upon a hierarchical structure. The administration of the Police is vested in the Chief of Police who may, for this purpose, issue Police Standing Orders. The Chief of Police is also responsible for the disposal of all public funds, that are intended for the proper functioning of the police.

157. As far as the administrative and functional set-up is concerned, the Cyprus Police is divided into departments, directorates, services, units, and districts. The Police Headquarters is situated in Nicosia and is divided into five departments, four directorates, five services and five units. Cyprus is divided into six operational geographical districts. Divisional HQs operate in each district, situated in the central town of the district, and each has its own geographical/district jurisdiction.

Organigramme Cyprus Police⁶¹



158. The Finance Directorate of the Police manages the funds concerning the Police and, in general, all matters of economic nature. The activity control on financial administration is divided into three levels. The first level applies to officers of the Treasury of the Republic, the second level to officers of the Auditor General of the Republic and the third level, for co-funded EU programmes, to the Directorate General Audit of the European Commission. The

⁶¹ According to the information provided by the authorities of Cyprus following the on-site visit, the Organigramme of the Cyprus Police was amended on 29 December 2022. Amongst others, the competences of the Assistant Chiefs of Police are now as follows: Assistant Chief of Police (Administration and Training), Assistant Chief of Police (Protection of Borders), Assistant Chief of Police (Prevention and Combating of Crime) and Assistant Chief of Police (Local Policing and Operational Support). Additionally, the Director of PISD is subordinated administratively and operationally to the Deputy Chief of Police.

only accessible report to the public, which also covers the financial funding of the Police, is the annual report by the Auditor General of the Republic.

Access to information

159. The Police falls under the access to public information rules that apply to any other public authority (i.e. Law on the Right of Access to Public Information of 2017, see also first part of this report). Moreover, the accused, as well as directly interested persons, are entitled to request swift access to relevant documents in relation to their case. The only possible derogations to this principle are in the event of serious risk to the life or fundamental rights of a third party, when absolutely necessary for the protection of a significant public interest, or for reasons of national security (Chapter 155, Law on Criminal Procedure).

160. The Police uses various means at its disposal to inform the citizens: through its [institutional website](#), by means of press releases, annual reports and through social media updates. The public can have access to police bulletins, information about traffic or any other matter that concerns the citizen or various tips regarding safety of any kind. Additionally, people have access to statistics through the Police webpage on the following categories: serious crime, road/traffic accidents, juvenile crime, and drugs.

Public trust in law enforcement authorities

161. The [2022 Eurobarometer on Corruption](#) points at 54% of Cypriot respondents thinking that the giving and taking of bribes is widespread in the Cyprus Police (EU average: 28%). On the other hand, respondents view the police as the most trusted institution for making a corruption-related complaint (52%). A subsequent survey, issued in September 2022, the [Standard Eurobarometer 97](#), shows that only 51% of Cypriot citizens trust their police, one of the lowest scores within the EU (EU average: 69). The same report also shows that the level of trust has worsened as compared with previous research (decrease by six points).

162. The Police has commissioned a few studies regarding its public image and the public's satisfaction with the Police services provided, in which the issue of the citizen's trust was included. A survey was carried out in October - November 2019 on public perceptions concerning the Police and other public bodies. With particular reference to the general image of the Police, 57.2% has a positive image. In relation to other sub questions, it emerged that 54.4% trust the Police and 88% of citizens feel safe in their area of residence. A more recent study conducted in July 2022 shows that 78% of citizens feel safe where they live.

163. The GET recognises there is some disparity between the perception of corruption as measured by the Eurobarometer on Corruption and the surveys conducted by the police and explored this state of affairs on-site but received no satisfactory explanation for the disparity. Rather than arguing which previous study was correct, the GET encourages the police to stay vigilant about these perceptions and to confront them in a proactive manner with no complacency.

Trade unions and professional organisations

164. The Police Law provides for the establishment of two professional associations (i.e. one for senior officers and another for the other ranks) for matters that affect the well-being and

professional adequacy of the members of the Police, e.g. in relation to their salaries, pensions and terms of service (Article 56, Police Law). Accordingly, the Association of Senior Police Officers and the Cyprus Police Association for the other members of the Police (up to the rank of Senior Officer) have 50 and 3 000 members respectively.

165. In addition, two other branches of the Police Corps have been created that belong to two separate independent Guilds, i.e. the Independent Civil Servants Guild and the Pancyprian Equality Guild. Furthermore, the Professional Association for Members of the Cyprus Police, is the Cyprus Branch of the International Police Association, which organises social gatherings (annual) and police trainings, as well as visits abroad.

Anticorruption and integrity policy

Policy, planning and risk management measures for corruption prone areas

166. In the framework of the National Anti-Corruption Strategy, the Police Internal Affairs Service (hereinafter: P.I.A.S.) was established and started to operate in March 2018. P.I.A.S. conducts, *inter alia*, integrity tests, in the context of investigating information/complaints on corruption of LEOs. Also, in the context of investigating various information/complaints, whenever P.I.A.S. identifies gaps and/or weaknesses which may create opportunities for corruption and/or delinquent behaviour, it submits relevant suggestions to the Chief of Police for corrective measures (for further details on P.I.A.S. see further on in this report under internal oversight).

167. An annual report (classified) is submitted to the Minister of Justice and Public Order and the Chief of the Police; it subsequently goes to the Parliamentary Committee on Legal Affairs of Parliament. The report also includes an analysis of statistics related to police corruption and the results are used for risk-assessment purposes. Given the relatively recent establishment of P.I.A.S., experience is still somewhat limited, but the authorities point to declining numbers of information/complaints related to Police corruption.

168. The Professional Standards and Inspection Directorate (hereinafter: PSID) is responsible for ensuring professional standards, notably, by the improvement/upgrading of the internal practices and procedures that are followed by LEO and the introduction and implementation of mechanisms for the prevention, inspection, detection and combating of deviant or delinquent behaviour by LEO. Additionally, the Directorate carries out inspections for the purposes of establishing the effectiveness of both the general administration and policing system, as well as the correct execution of police duties, according to defined methods and procedures (for further details on PSID see further on in this report under internal oversight).

169. In the framework of educational activities carried out by the Cyprus Police Academy, trainings are provided by members of the Police's Internal Affairs Service and the Professional Standards and Inspection Directorate, to the members of the Police, including on the role and function of the Police Internal Affairs Service and the Professional Standards and Inspection Directorate, definitions of corruption and delinquent behaviour in the Police, legislation, etc. LEOs receive training on corruption, organised in Cyprus and abroad, either in the form of training programmes/courses or by participating in European and international conferences. Yet the training on ethics and integrity is not mandatory for all positions in the police, nor

regularly provided to all LEO. As will be recommended later in this report, additional efforts are necessary regarding the development of training programmes on ethics and integrity with a view to ensuring that practical, proactive and case-based information on this subject is provided to all LEO, both in the induction phase and regularly during their career.

170. For the GET, the fairly recent establishment of P.I.A.S. is a positive development. The institution's conduct of integrity tests and issuance of suggestions to the Chief of Police when it identifies gaps and/or weaknesses is to be commended. PSID also works to improve internal practices and mechanisms to prevent corruption in the police. The GET was, however, made aware of constraints on information sharing between P.I.A.S., PSID and other units.

171. There is no integrity-risk assessment, nor a strategic compilation of data, which would help identify vulnerabilities within the force so that these can be managed or mitigated. In this connection, the GET is concerned that not enough attention is given to areas that are especially risk-prone, and that the assessments conducted may be too sporadic for effective deterrence and detection.

172. While P.I.A.S. issues an annual classified report, the report does not seem to have any effect at a strategic level in the police, or on the priorities setting and the decision-making process (e.g. to set the priorities for control or investigation that both P.I.A.S. and PSID carry out, to effect change in vulnerable sectors, etc.). The national anti-corruption strategy is not translated within the police and there was no evidence that line-managers or senior police officers have any responsibilities in this respect. Likewise, the GET could not find any evidence that PSID has a pro-active and risk-based approach in planning and setting priorities for the control and inspection activities. The control takes place usually on ad-hoc basis with the approval of the Chief/Deputy Chief of Police or following specific complaints.

173. The GET considers that the existing anti-corruption measures within the police appear to be mostly implemented in a piecemeal fashion, with a reactive rather than a proactive approach, and may not be comprehensive enough to be fully effective. Further, adding anti-corruption measures on an ad hoc basis does not necessarily make the framework any stronger, but rather, has the potential of making it more confusing, or even weaker, if the lines of responsibility are not clear. There needs to be a top-down assessment of existing measures, how broadly they apply, how they are enforced, and how they work in tandem.

174. In the light of the key importance of a risk-based approach in designing and implementing any anti-corruption policy, the police should review its arrangements in this respect and develop a coordinated corruption prevention and integrity policy based on risk assessment, accompanied by targeted mitigating and control measures, which are subject to regular monitoring. Suitable experienced staff should be allocated to carry out the risk assessment and understand the current threats the police organisation faces with regards to integrity and corruption. Such an effort would need to be accompanied by a proper internal communication system and consistent implementation and reviewing arrangements that would consider at a minimum: reaction with regards to corruption cases, gaps in the control and process design that offer opportunities to commit bribery, intent and capacity of staff and third parties to engage in corrupt behaviour, as well as management commitment to prevent corruption and foster integrity. Therefore, **GRECO recommends adopting a coordinated corruption prevention and integrity policy for the police, based on systematic and comprehensive review of risk-prone areas, coupled with a mechanism providing for regular**

assessments.

Handling undercover operations and contacts with informants and witnesses

175. There is legislation, since 2017, that provides for the regulation of the activity and the investigative powers, for undercover members of the Police (Law 189(I)/2017) and is relevant for undercover operations. Article 6 of the aforementioned Law provides that no member of the Police may act as an undercover police officer unless s/he has received specialised training for this purpose, in accordance with a training programme approved by the Chief of Police. To this end, a specialised training programme has been established and is provided by the Police Academy for undercover police officers, the topics of which include how to handle informants. In addition, undercover officers receive guidance when there is the need to carry out an undercover operation. The specific need of each case is taken into consideration before the Police proceeds to such operation.

176. Witness protection matters are regulated by Law 95(I)/2001. The witness protection programme, according to the Law, comes under the auspices of the Attorney General of the Republic. Protection means, admission criteria and all other relevant factors are described by the Law.

Code of ethics, advice, training and awareness on integrity

177. A Code of Police Ethics, which was drafted by the Cyprus Police Academy and reportedly finds inspiration in the European Code of Police Ethics, decisions of the European Court of Human Rights and the principles adopted by the European Committee for the Prevention of Torture and Inhumane or Degrading Treatment or Punishment (CPT), has been in place since 2003. It entered into force in 2006. A Code of Police Ethics against Corruption was prepared by P.I.A.S. and has been integrated in 2021. The Police Code of Ethics is available to the public through the official Police webpage.

178. The Code is binding and any violation of it may constitute a disciplinary offence. In addition, violation of some provisions of the Code may also constitute a criminal offence. Monitoring of the Code is done not only by the respective supervisors, but also by PSID, through controls and inspections of the various departments and members of the Police.

179. The Code has been published in the form of a booklet and has been distributed internally. It is also promoted via initial, as well as regular, training for all echelons of the organisation. Anti-corruption training is also offered upon recruitment and in-service. Case studies are discussed in training sessions.

180. Advice can also be sought from PSID. In practice, few LEOs do so. The intranet portal of the Police is well-resourced in terms of applicable regulations/manuals/guidelines, etc., including on conduct and corruption-related matters.

181. The GET welcomes the integration and promotion of a new Code of Police Ethics against Corruption. The authorities provided details on training sessions on ethics and other integrity related matters. A total of 1 740 police officers have participated in training or lectures on corruption (that is around 35% of the force). The information provided by the authorities suggests that the training provided is rather comprehensive for new recruits and

includes case studies. However, there is less evidence that officers follow training on ethics on a regular basis while in-service. The figures furnished in that respect refer to sessions where officers were made aware of the newly established service of internal control, i.e. P.I.A.S., rather than contents which would expand on the Code of Ethics, corruption prevention or integrity related requirements.

182. The GET further believes that more can be done to ensure that sessions are further tailored to specific positions, especially vulnerable ones. It is also important that superiors are able to fully understand the areas of vulnerability and set the right benchmark in reacting to ethical challenges; visible leadership which consistently displays appropriate behaviour is key. Indeed, leading by example can decisively influence the desired behaviour of subordinates, their professionalism, and the organisational culture. It must, therefore, be assured that specific on-going training is developed for managers, to better equip them to provide a lead on ethics, the prevention of conflicts of interest and other integrity and anti-corruption matters within their teams. Moreover, the fact that few officers seek advice from PSID suggests that the use of this resource is not being sufficiently recommended or promoted as a best practice, or that there is a concern about confidentiality. As such, **GRECO recommends that (i) in-service training programmes and awareness raising measures on anti-corruption, integrity and professional ethics be developed and provided at regular intervals (covering conflicts of interest and other corruption prevention-related matters) for police officers, taking into consideration their specificity, the variety of duties and their vulnerabilities, including by paying particular attention to ethical leadership training ; and (ii) that the mechanism for providing confidential advice to police officers on ethical and integrity matters be strengthened, by ensuring its confidential nature and encouraging the use of the resource.**

Recruitment, career and conditions of service

Recruitment requirements and appointment procedure

183. The recruitment procedure of LEOs is regulated by the Police (General) Regulations (Regulatory Administrative Act 51/1989). At initial levels (constables, special constables, and specialised personnel), LEOs are hired through a competitive recruitment process. Vacancies are published in the Official Gazette, the Police website and local media. Entry criteria are set by law, e.g. Cypriot nationality, age, military service, education, good records (including a clean disciplinary/criminal file), employment background, languages, etc. Screening that the established requirements are met takes place accordingly. Candidates must also pass a written exam and physical tests (and, in the case of specialised personnel, an interview).

184. The appointment is decided by the Chief of Police with the approval of the Minister of Justice and Public Order after the recommendation of the Selection Committee. The Selection Committee consists of the Assistant Chief of Police (for Education) as president, the Director of the Cyprus Police Academy and one Senior Officer.

185. There is a probation period of three years (which can be extended by one additional year by the Chief of Police, upon approval by the Minister of Justice and Public Order); it includes professional, practical, and physical training courses provided at the Police Academy. The Cyprus Police personnel up to the rank of Assistant Chief of Police has a permanent status.

186. The Chief and Deputy Chief are appointed and can be dismissed by the President of the Republic, pursuant to Article 131 of the Constitution.

Performance evaluation and promotion to a higher rank, transfers, rotation and termination of service

187. All LEOs undergo yearly appraisal by their superiors. Such an appraisal includes criteria, such as management skills, critical thinking, discipline, completion of tasks and duties, communication skills, integrity, professional training, work ethics, initiative, and work relationships. Specifically, when an official is assessed for his/her integrity, the issues that are taken into consideration by his / her supervisor are the ethics (or ethos) of the person, his/her honesty and sincerity, objectivity and example setting. Appraisals are crucial for promotion purposes; they may also play a role with respect to transfers. The official has the right to challenge the results of the appraisal (in the event of a very low evaluation) before the responsible commander.

188. The promotion of LEOs is regulated by the Police (Promotions Regulations (Regulatory Administrative Act 214/2004)). A promotion is decided by the Chief of Police with the approval of the Minister of Justice and Public Order up to the rank of Chief Inspector. From the rank of Superintendent B up to the rank of Assistant Chief, it is decided by the Minister of Justice and Public Order with the recommendation of the Chief of Police.

189. There are three committees for the promotion procedure up to the rank of Chief Inspector. One committee for the evaluation of the candidates, another committee which examines the appeals, and a third committee conducts the interviews. After the conclusion of the interviews the committee prepares a list of the final placing of the candidates and submits it to the Chief of Police. The first two committees consist of one Assistant Chief as president and two Senior Officers as members and the third consists of the Deputy Chief and Senior Officers.

190. The transfer of LEOs is decided by the Chief of Police. The principle of interchangeability is applied to the Police (maximum service time in specific departments, services, and units, due to the specificity of their duties, etc.), based on the provision of Police Order 1/13. Accordingly, a maximum time is determined in service, ranging from five to seven years, in some departments/services of the Police, e.g. Drug Law Enforcement Service, Aliens and Immigration Service, Office for Combating Intellectual Property Theft and Illegal Betting.

191. Police recruitment requirements and procedures are satisfactory, and recent efforts aimed at strengthening the police, including higher qualification practices and an authorised increase in salaries taking effect now (January 2023), will likely benefit recruitment efforts and improve morale and retention. These are valuable steps towards the improvement of the police force as a whole. Yet the efforts so far are stalled at the entry level, and problems arise and accumulate when going up the ranks. The present appointment system with regards to senior police officers and top management positions lacks transparency and objectivity.

192. The GET considers that the issue of the appointment and removal of the Chief and the Deputy Chief of the police deserves further reflection and development. At present the Constitution only says that they are appointed by the President without specifying any further detail on the relevant decisional mechanism in place to ensure objectivity or consultation of

relevant stakeholders. The authorities stress that this Constitutional provision is unamendable as it touches upon the system of mixed representation, as described in paragraphs 17-18 of this report. Three Chiefs of Police have resigned or been dismissed in the last eight years and the authorities attribute their resignation to operational failure rather than reasons related to the integrity of the persons concerned or corruption. **GRECO recommends introducing additional measures, within the parameters of the Constitution, regarding the appointment and termination of the Chief and the Deputy Chief of police that are based on formal, objective, competitive and transparent criteria and procedures.**

193. The appointment of various top management positions is also a decision taken solely by the Chief of Police in consultation with the Minister of Justice and Public Order (including the heads of Police Internal Affairs Service and the Professional Standards and Inspection Directorate positions). No specific requirements and criteria exist, nor any rules for open competitions for such positions, that would allow for increased transparency and objectivity of the process.

194. On paper, promotions are regulated, and there are selection committees applicable to certain ranks that in theory should bring some objectivity to the process. Yet there is an impression that the system is unfair in practice. Such an impression is corroborated by several judgments of the administrative court leading to the annulment of several promotion decisions because of deficiencies in the relevant procedures leading to unequal treatment of candidates; most problems relate to discretion and non-uniform consideration of weighing criteria.⁶²

195. The GET was most troubled to hear that, in some cases, even when the court had annulled a promotion decision, the concerned officers were re-promoted thereafter, as far as the administrative procedure is concerned⁶³, or that they were receiving the salary corresponding to the higher rank. This state of affairs has important consequences for the day-to-day functioning of the police (vacancies not being filled, disciplinary procedures on hold because they were being heard by officers who have lost their rank and no longer have jurisdiction to handle the cases, etc.), and also, and very importantly, for the morale of members of the police force.

196. Furthermore, a well-regulated process for transfers is lacking; a flaw which the GET was told was bringing arbitrariness with one-sided decisions being taken in this area. Finally, as previously underlined, targeted action should follow to attract more women in positions of police officers and thereafter to progress towards higher positions, including managerial positions. **GRECO recommends (i) that measures be introduced to enhance the objectivity**

⁶² See administrative court decisions: <http://www.cylaw.org/cgi-bin/open.pl?file=/administrative/2022/202201-1507-17etcAnony.html> and <http://www.cylaw.org/cgi-bin/open.pl?file=/administrative/2022/202210-76-18etc.html>. See also recent decision of administrative court on 13 December 2022 declaring the promotion of 16 senior officers of the police as null and void (Co-ed. Cases Nos. 1426/2017, 1443/2017, 1444/17, 1450/17, 1465/17, 1472/17, 1474/17, 1486/17, 1487/17, 1569/17, 1570/17, 1588/17, 1598/17, 1599/17, 1601/17, 1614/17, 1629/17, 1632/17 and 1637/17).

⁶³ The authorities underline that reappointments occur only in cases where the administrative procedure fails due to typical reasons (e.g. the legality of the composition of the selection committee, the absence of a member of the selection committee when it makes its decision etc.), and the Administrative Court does not reach its conclusion on the basis that the candidates promoted per se are not qualified to occupy the post. No person may be reappointed if the Court's ruling finds that the person concerned did not have the qualifications required to fill the post.

(through measurable criteria) of decisions regarding the selection of officers for higher ranks, promotions and transfers, and to provide more transparency to such processes; and (ii) that steps be taken to strengthen the representation of women in all ranks in the police as part of recruitment and promotion policies.

197. Additionally, strengthened requisites apply for LEOs joining services which are particularly sensitive (including in corruption-prone areas), such as re-vetting of criminal/discipline records, e.g. Drug Law Enforcement Unit, Aliens and Immigration Department, Message Control Centre – Immediate Response Squad, Crime Prevention Squads, Emergency Response Unit, etc. Further, with respect to vetting processes in-service (other than those taking place in sensitive sectors, as highlighted above), P.I.A.S. conducts integrity tests in the context of investigating information/complaints on corruption of members of the force. Likewise, PSID often carries out checks in Police Departments.

198. Police officers are vetted when entering the police, as well as when they are transferred to a specific police department (e.g. P.I.A.S., Drug Law Enforcement, Crime Prevention Squads, etc.). Specifically, when undergoing annual appraisals, police officers should also be assessed by their superior with regards to their integrity. However, the GET could not find any evidence that such assessments are actually carried out and there were no indications of objective criteria used in this respect. The GET considers that the integrity test might produce a more deterrent effect if it were properly regulated and communicated to police officers (including through a non-classified methodology that shows what the integrity test is and what tasks and obligations PIAS and police officers have). Moreover, the potential of the test could be further enhanced, as an input to inform risk assessment processes within the force (e.g. statistics and finalised case examples), if it were coupled with a regular follow-up.

199. Other than the above, there is no evidence that regular vetting of police officers throughout their career exists. A holistic approach needs to be developed in this area, starting with thorough pre-employment checks, providing for vetting at regular intervals thereafter, and leveraging processes proportionate to the duties held and the sensitivity of the information handled by the relevant officers. The GET draws the attention of the authorities to the experience already developed in some other countries regarding recruitment vetting and re-vetting, comprising checks of previous criminal convictions, but also background checks, screening of financial interests, family/relatives/close associates checks, possible conflicts of interests, etc. If no process is in place to check such matters, vetting concerns from existing officers can constitute a vulnerability for the force. **GRECO recommends developing an organisation-wide policy of vetting and regular re-vetting within the police service and ensuring adequate processes for the continual monitoring of employee vulnerabilities.**

200. The dismissal of LEOs is decided by a Disciplinary Committee according to the Police (Discipline) Regulations 53/1989, as amended (for further details on disciplinary proceedings see paragraphs 254-258).

Salaries and benefits

201. The gross annual basic salary of LEOs at the beginning of their career is €13 775 (excluding allowances – for further details on allowances, see below). The salary of LEOs varies according to seniority. The actual function occupied does not change the salary of LEOs unless

there is any specific extra allowance (for example, flight allowance for officers joining the Police Air Operation Unit).

202. The following additional allowances are provided to LEOs, depending on their duties and their salary scale:

- Duty Allowance (depends on the rank)
- Special Working Conditions Allowance €1 632 annually
- Flight Allowance up to €6 454 annually
- Divers Allowance €2 969 annually
- General Overseas Allowance (depends on the country)
- Rent Overseas Allowance (depends on the country)
- Subsistence Allowances of State Officers
- Education Allowance (depends on the fees paid by the member for their children)
- Commuted Overtime Fees (depends on LEO rank and duties)
- Shift Allowance (depends on LEO rank and duties)
- Allowance for services rendered on Sundays and Public Holidays during shift period (depends on LEO rank and duties)
- Acting Allowances (depends on LEO rank and duties)
- Representation Allowance (depends on LEO rank and duties)
- Responsibility Allowance (depends on LEO rank and duties)
- Hospitality Allowance (Deputy Chief of Police €3 570 per annum, Assistants Chief of Police €2 040 per annum)
- Overtime fees (depends on LEO rank and duties)

203. All the above-mentioned allowances are published in the annual budget law. The entitlement to allowances ceases following termination of employment. The use of allowances is monitored/verified by Heads of Departments, the Finance Directorate of the Police, and the Audit Office of Republic.

204. On 1 January 2023, there was an increase in the wages received by police officers, particularly for the lower ranks of the echelon. The issue of low salaries in the police (for entry levels, the basic monthly salary amounted to half of the average gross monthly wage in Cyprus) has been a long outstanding, and decidedly troubling, concern for the force. It reportedly led to officers leaving service and also to the police not being an attractive, nor competitive, institution for young generations to work for. Against this background, the GET welcomes the recent increase in salaries. An appropriate and dignified pay for police officers should be regarded in itself as a powerful deterrent against corruption.

Conflicts of interest, prohibitions and restrictions

Incompatibilities, outside activities and post-employment restrictions

205. LEOs are, as a main rule, not allowed to practice any profession or trade or to employ themselves in any occupation or business other than their employment in the public service. That said, authorisation may be provided in certain cases. Authorisation follows a streamlined

process by which the individual LEO fills out a standardised form which is sent, together with a cover letter from the immediate superior, to the Chief of Police. Authorisation may be granted by the Chief of Police, with the consent of the Minister of Justice and Public Order, as well as the Minister of Labour, Welfare and Social Insurance. The relevant authorisations of ancillary activities are centralised in a register kept by the Administration and Human Resources Department of the Police Headquarter. Monitoring of the authorisations granted is performed by PSID. At the time of the on-site visit, there were a total of 50 authorisations, which had been granted for a term not exceeding two years; most of them concerned sport activities (e.g. trainers).

206. Public officials (including LEOs) are not allowed to hold any shares or other interest in any company or partnership, which is not public, or in any other private undertaking, without the permission of the Minister of Finance. Such a permission may only be granted where it will benefit the public interest, or when the interest of the public officer is derived from an inheritance and the possession of the shares will not affect the performance of his/her duties. However, a public officer has the right to acquire shares of public companies, the number of which shall not exceed the percentage of the share capital to be fixed by the Minister of Finance.

207. No public official (thus including LEOs) is allowed to acquire either directly or indirectly any movable or immovable property, by taking advantage of his/her position for this purpose, or to hold such property where his/her personal interests in such property are in conflict with his/her public duties.

208. In case a family member (cohabiting spouse and children) maintains a store or trades, or intends to open a store or operate, the concerned LEO has to give written notice to the Chief of Police.

209. Top ranks in LEOs (Superintendent A13 and above) must respect a cooling-off period of two years (see also PTEF part of this report). There are no other applicable rules regulating LEO employment or engagement once they leave the Police. The GET was told on-site that when officers retire at the end of their term (and the retirement age has recently been raised from 50 to 60 years of age) they generally do not engage in any other job. Some raised the issue of former officers moving to the private security sector, although they did not suggest that this was a recurrent issue. Even so, there appeared to be agreement among the interlocutors met that it was an area that merited more attention for risk-assessment purposes and that factual data ought to be gathered to that end.

210. The GET was told that the current framework for secondary activities is rather strict. It was amended in 2022. The fact that it is centrally managed by the Administration and Human Resources Department of the Police Headquarter, and then its compliance is monitored by PSID, is also a positive feature. The authorities also collate statistics on the number of cases where breaches regarding secondary activities were found and the action/sanction that followed thereafter.

211. The GET considers that, as the police develops its dedicated integrity policy, as recommended before, it should look over the current information recorded in the relevant registry of secondary activities, as it may help identify patterns that would need to be addressed/rectified for the entire organisation and beyond the individual case. Moreover, for

risk assessment purposes, the GET underscores the importance of looking into not only in-service ancillary activities, but also post-service employment, in order to avoid improper assignments in the private sector which could generate situations of conflicts of interest.

Recusal and routine withdrawal

212. There are rules applying to all public officials (thus also applicable to LEOs) not to deal with matters where they themselves, or a close relative, may have a personal benefit. Several provisions of legislation dealing exclusively with the Police also include conflict of interest prevention requirements (e.g. participation in committees, decisions on promotion, investigations, etc.); various examples were provided by the authorities in this respect. These rules are also connected to disciplinary and criminal sanctions.

Gifts

213. Police Standing Order 1/41 regulates in detail the issue of gifts. There is a general ban on gifts: LEOs are not allowed, either directly or indirectly, to receive or give any presents in the form of money, other goods, free trips or other personal benefits. Token objects (e.g. commemorative gifts provided for example in the framework of a conference which the LEO attended in his/her official capacity, such as a pen, folder, etc.) are excluded from this ban. Also, in special cases, where the official considers that it would be undesirable or contrary to the public interest to refuse the gift, s/he may accept it, but immediately report it in writing (through his/her superior) to the relevant Police Director/Commander. A threshold of €170 is in place (this threshold applies all across the line in the public sector in Cyprus).

Misuse of public resources

214. The relevant provisions of the Criminal Code on corruption and abuse of office apply in this respect (Articles 100-102, 105, 255 and 267).

Misuse of confidential information

215. LEOs must maintain absolute discretion with respect to confidential facts or information obtained in the performance of their duties or in their capacity. Police Regulations (Disciplinary) Regulatory Administrative Act 53/1989 includes extensive provisions in this respect. In addition, Article 135 of the Criminal Code criminalises the disclosure of an official secret or a state secret by a public official; this is an offence punishable by imprisonment.

Declaration of assets, income, liabilities and interests

216. LEOs have to meet the disclosure requirements of other civil servants, i.e. gainful outside employment, company shares. They also have to give written notice to the Chief of Police in case a family member (cohabiting spouse and children) maintains a store or trades or intends to open a store or operation. The declarations are entered in the personal files of LEOs, which are archived in the Human Resources Department of the Police Headquarter.

217. Pursuant to Law on Certain Publicly Exposed Persons and Certain Officials of the Republic of Cyprus (Declaration and Control of Assets) (Law 50(I)/2004), Chief and the Deputy

Chief of Police are subject to the financial disclosure requirements described in paragraphs 125-126; however, their declarations are not public.

218. Additionally, as for all other citizens of Cyprus, since 2017, income tax declarations are submitted online to the tax authorities. The income tax declarations are reviewed, verified, and checked by the Tax Department of the Government, which is under the Ministry of Finance.

219. Although there are some disclosure requirements for all police, they do not seem to be sufficiently detailed to be very valuable. It certainly does not allow for adequate integrity-risk assessment. Currently, only the Chief and Deputy Chief of Police are subject to financial declaration requirements. The GET notes that financial disclosure requirements can play a part in preventing risks of corruption in the police, for instance for other senior posts or individuals involved in public procurement, where there may be a greater risk of corruption. It would appear appropriate at least to introduce such declarations in respect of positions that are vulnerable to conflicts of interest and corruption. The introduction of financial disclosure for certain officials could further prove instrumental when implementing the recommendation on the development of a dedicated corruption prevention and integrity policy for the police (paragraph 174) and that of vetting (paragraph 199). **GRECO recommends enhancing the current regime for declarations of financial interests within the police by introducing an obligation in respect of higher rank officers and certain at-risk positions, to declare financial interests in accordance with a predefined format, when taking up their duties and at regular intervals throughout their service; and (ii) to provide for suitable oversight which includes verification of the declarations and the assessment of integrity risks.**

Internal Oversight

Police Internal Affairs Service (P.I.A.S.)

220. For the purposes of combating and preventing Police corruption, an autonomous Police Internal Affairs Service (P.I.A.S.) was established in 2018. Its operation is governed by a separate law, i.e. Law on the Establishment and Operation of the Police Internal Affairs Service 3(I)/2018. P.I.A.S. is an autonomous service, which reports administratively directly to the Chief of Police, while its powers and responsibilities are supervised directly by the Attorney General.

221. P.I.A.S. investigates criminal corruption offences carried out by LEOs. It has broad powers to do so (searches, freezing and seizure powers, unobstructed access to information, including from other public authorities, but also bank records, etc.). Information and data collected by P.I.A.S. are used solely for the performance of its mission and not in connection with the investigation of any other offence (i.e. other than corruption).

222. P.I.A.S. is staffed by members of the Police who are selected, deployed, and transferred by the Chief of Police for a period of four years, which may be extended only once for a further period of two years. There are very strict integrity and (investigative) experience requirements to join P.I.A.S., e.g. officers joining the service must be distinguished for their professionalism, efficiency, effectiveness, ethics, conduct, responsibility, conscientiousness, integrity and

honesty; must have clean criminal and disciplinary records (cannot be punished with any disciplinary punishment other than reproach), etc.

223. A Selection Committee is established for the purposes of registration and confirmation of the qualifications and requirements established by law to join P.I.A.S. It is composed of an Assistant Chief of Police (as president), the Director of P.I.A.S. and a Senior Police Officer (as members). After studying the Police personal files of Police members, gathering all the necessary information, and extracting all relevant data, the Committee send to the Chief of Police a detailed report with the proposed members to be selected for their transfer to P.I.A.S. A member of the Police cannot be transferred to P.I.A.S. unless the member consents to it.

224. The financial resources of P.I.A.S. are covered by the State budget and members of P.I.A.S. receive an additional monthly allowance in the service. In terms of gender, there are 70% male and 30% female officers, respectively.

225. While there is no compulsory regular specialised training for the members of P.I.A.S., they occasionally attend courses on corruption and undercover operations either in Cyprus Police Academy or abroad. Officers of P.I.A.S. provide lectures, in various training programmes of the Police Academy, both in the basic training of recruits and also in other specialised training programmes for members of the Police of various ranks.

226. P.I.A.S. has its own website, which comprises, *inter alia*, a dedicated page for public complaints. An information leaflet was prepared and published for both LEOs and the general public, regarding the role and mission of P.I.A.S., including the ways in which either a member of the Police or a civilian can submit, even anonymously, a complaint or an information, for police corruption.

Directorate of Professional Standards and Inspections of the Police (PSID)

227. PSID is established by the Chief of Police Standing Order No. 1/86 (as recently amended in March 2023). It operates to ensure professional standards, by improving the internal practices or procedures followed and the implementation of mechanisms to prevent, control, detect and suppress the deviant and delinquent behaviour of LEOs. PSID deals with the investigation of disciplinary offences.

228. More particularly, when a piece of information is received by the Professional Standards and Inspection Directorate (either through (a) the Police hotline, (b) correspondence/regular mail, or (c) informants), then the Director of the Directorate instructs one of his/her members to investigate the case. After the completion of the investigation, the member of the Directorate submits his/her report back to the Director. The case is then disseminated back to the sender, if the sender is the Chief of Police or one of the Assistant Chief of Police. If the sender is someone, other than the Chief of Police or the Assistant Chief of Police (a police officer or a citizen), then the case, is again disseminated to the Chief of Police or/and the Assistant Chief of Police.

229. If a case has merits, then, after the briefing of the Chief of Police or the Assistant Chief of Police, there are two ways that a case can proceed: (1) if there is enough evidence, the case may include criminal offences and if so, it is submitted to Criminal Investigation Department (CID), or a regional Police Station, if the offence is minor, for official investigation; (2) If there

is enough evidence for disciplinary offences, then, a Special Investigative Officer is assigned by an Assistant Chief to investigate the disciplinary offences. If the suspect is of the rank of Superintendent B and above, then the Special Investigative Officer is appointed by the Chief of Police.

230. The Director and the members of PSID report operationally to the Chief of Police, and administratively, to the Assistant Chief of Police Administration. The GET was informed that, after the on-site visit, the organisational chart of the Cyprus Police was amended on 29 December 2022 and by virtue of Police Standing Order No. 1/10 of 9 March 2023, the Director of PISD is subordinated administratively and operationally to the Deputy Chief of Police. PSID has at its disposal a special services fund that is designated for any expenses relating to intelligence gathering and the organisation of police operations.

231. Staffing of PSID is regulated by Police Standing Order No. 1/86, paragraph 3, which provides that the members of the Police that would be appointed to PSID, should be distinguished by their ethos, confidentiality, integrity, responsibility, performance and decisiveness to fulfil their mission without hesitance. Additionally, they must abide by the following qualifications: (1) prosperous service of more than ten years; (2) high level of practical expertise in police duties; (3) at least three years of service in investigative duties. During the previous five years, they should not have been convicted for any disciplinary and criminal offence.

232. There is no compulsory or regular specialised training for the members of PSID. However, members of the Directorate are occasionally chosen to attend special training courses in Police Academy other Training Institutes in Cyprus and abroad.

External oversight

The Independent Authority for the Investigation of Allegations and Complaints against the Police (IAIACAP)

233. In 2006, the IAIACAP was established under the Law 9(I)/2006 to improve and further increase the monitoring and investigative environment towards the Police through a competent body independent of the Police.

234. The Authority investigates allegations and complaints against LEOs regarding (a) corruption, bribery or unlawful enrichment; (b) violation of human rights; and (c) actions which constitute favourable treatment or undermine the police repute. Investigations can be instituted *ex officio*, following a citizen complaint (anonymous complaints are not possible), as assigned by the Attorney General or the Minister of Justice and Public Order.

235. The IAIACAP is headed by a Board of five members, including its President, who are appointed by the Council of Ministers for a five-year tenure. The IAIACAP is also staffed with four civil servants, and the GET was told that the Ministry of Finance had approved the allocation of another civil servant whose appointment is expected to take place in 2023. Criminal investigators can be engaged for investigative purposes, as necessary. A relevant roster is kept by the IAIACAP; a total of 70 investigators currently forms the list (66 practicing

lawyers and four police officers).⁶⁴ Finally, the IAIACAP can, for the purposes of an investigation, also hire the services of experts/specialists such as photographers, interpreters, forensic doctors, and others. The budget of IAIACAP in 2023 amounts to €322 000.

236. The investigation of a case is carried out by one or more members of the IAIACAP, or by criminal investigators appointed by the IAIACAP for this purpose. All investigations are carried out under the supervision and directions of the IAIACAP as a body. For directions on legal matters raised during an investigation, the investigators apply directly to the Attorney General's Office.

237. The Law expressly provides the investigators with all the powers possessed by the police force in the investigation of a crime under the Criminal Procedure Law. The procedure followed during an investigation, including the taking of statements from witnesses and the interrogation of suspects, is governed by the Criminal Procedure Law, in the same way that the said Law is applicable to criminal investigations carried out by the Police.

238. The IAIACAP is not bound by the findings of the investigators. The IAIACAP, after examining thoroughly the totality of the evidential material collected during the investigation, makes its own findings and derives its own conclusions. In many cases, these findings and conclusions may coincide with those of the investigators. Irrespective of whether the IAIACAP agrees or not with the investigators, the whole material including the investigator's report, as well as the report of the IAIACAP, is forwarded to the Office of the Attorney General, who is by virtue of the Constitution the only Authority to decide whether or not the suspect will be criminally charged. On matters regarding disciplinary measures, the final decision is vested solely with the IAIACAP, and the Chief of Police is obliged to implement any decisions of the IAIACAP on that.

239. The GET notes that like almost every anti-corruption/integrity institution, the IAIACAP cited lack of sufficient resources as a challenge, and they certainly seem to have a limited supply. However, implementing a coordinated system, as recommended later in this report (see paragraph 244), that refers only the cases of their expertise to them, may well help the IAIACAP (and the other authorities with oversight responsibilities of the police) to increase their focus and make them more efficient, helping them do more with less.

Other external control bodies

240. There are other State bodies which can exercise Police oversight, including: the Council of Ministers, the Attorney General (the Law Office/Prosecution Service), the House of Representatives (through its Parliamentary Committees), the Ministry of Justice and Public Order, the Audit Office of the Government, the Independent Authority against Corruption, the

⁶⁴ It is to be noted that a reported improvement of the system is that now virtually all investigators are lawyers, instead of police officers, which was for long an outstanding concern of the (CPT). The former system where investigators were former police officers was criticised as the natural esprit de corps between former and serving police officers was said to be having an impact on the quality and impartiality of the investigations of the IAIACAP. During the on-site visit, IAIACAP indicated that four former police officers were kept as investigators to provide advice and help lawyers navigate on practical matters and day-to-day issues within the Police. A discussion was also ongoing as to the need to rely on permanent investigators rather than on a pool of investigators called *ad-hoc*.

Ombudsperson, and the Independent Authority for the Investigation of Allegations and Complaints against the Police.

Remedy procedures for the general public

241. Complaints can be received by the Police at the various CIDs and Police Stations, as well as by PSID. Moreover, corruption-related complaints can be sent to P.I.A.S. Also, complaints can be filed with the IAIACAP and the Ombudsperson. Complaints can be made by several ways, in person or in writing, such as statements, letters, phone calls, through the hotline, etc. They can also be made anonymously. All complaints and investigations are free of charge.

242. When a report/complaint is submitted to the police, depending on its nature, i.e. if it concerns an offence of corruption by a member of the police, the investigation is undertaken by P.I.A.S. If it concerns a disciplinary offence, then the investigation is undertaken by PSID or by a police officer designated for a disciplinary investigation. For other criminal offences, the investigation is carried out either by the CIDs or police stations. In cases of a complaint/allegation of abuse of a citizen or person under custody by police members, the police does not initiate an investigation of its own, but rather informs IAIACAP, which is the competent body to investigate such cases.

243. The GET notes that there is a multiplicity of bodies with internal and external oversight responsibilities in the police (mainly, CIDs, PSID, P.I.A.S., IAIACAP, the Ombudsperson, the Attorney General). It is a positive sign that there seems to be independence between these oversight bodies. However, having multiple authorities dedicated to oversight and focused on integrity without coordination and cooperation can hamper the effectiveness of the overall system. Specifically, having multiple entry points and different processes at each institution may lead to inconsistency and makes transparency more challenging.

244. All processes ultimately converge in the Attorney General and decisions to discontinue criminal cases (the prerogative of *nolle prosequi* of the Attorney General) are put down in writing and stated orally before the competent court. Nonetheless, the GET considers that there needs to be a holistic overhaul of how complaints are lodged and processed and some visibility and accountability as to how they are handled. **GRECO recommends streamlining the oversight and accountability of the police, by (i) considering centralising the lodging of complaints through one entry point, with clear guidelines as to how referrals will be made; (ii) establishing an effective system of coordination and cooperation through clear protocols, which are also made known to the public; and that (iii) feedback is given as to the course of the case, and statistics are published, in order to provide an appropriate level of transparency as to how matters are dealt with at each stage of the process.**

Reporting obligations and whistleblower protection

245. In January 2022, the Protection of Persons Reporting Breaches of Union and National Law (hereinafter: Whistleblowing Law) was adopted. It transposes EU Directive 2019/1937. It provides, among other things, for the possibility to report internally and externally (including to the media when the whistleblower has reasonable grounds to believe that the reporting or

public disclosure of such information was necessary to reveal the infringement), also anonymously, and establishes the prohibition to retaliate against whistleblowers in any way.

246. LEOs have an obligation to report suspicions of corruption; failure to do so constitutes both a discipline and a criminal offence, which can be punished with up to five years' imprisonment or/and a fine of up to €50 000.

247. The newly adopted Whistleblowing Law establishes the obligation to establish internal reporting channels. According to the Police Regulations (Disciplinary) (Regulatory Administrative Act 53/1989, if an officer wishes to report a superior s/he is to do so, as follows: when the complaint is against an immediate superior of his/her (Head of Police Station, Head of a police branch/office, etc the relevant report can be submitted directly from the member of the Police to the competent Police Department Director/District Police Director or Unit Commander, without it necessarily, being disseminated through the regular correspondence route. When the complaint is against or directly involves the Police Department Director/District Police Director or Unit Commander, then the report can be directly submitted to the competent Assistant Chief. When the complaint is against or directly involves the Assistant Chief, the relevant report is directly submitted to the Chief of Police. For corruption suspicions, officers can report directly to P.I.A.S., even anonymously. There is also a specific obligation for superiors to report corruption instances committed by their subordinates.

248. Measures must be taken to protect the whistleblower, including his/her identity. The Chief of Police is to decide on the necessary measures. The Law on the Establishment and Operation of the Police Internal Affairs Service 3(I)/2018 establishes the following protection measures (i) protection of the identity of the whistleblower; the non-respect of this is punished with up to three years' imprisonment or/and a fine of €50 000; (ii) any LEO who acts as a whistleblower cannot be deemed in violation of the duties of confidentiality or discretion in service; (iii) the transfer, the secondment, the downgrading of duties, a negative performance appraisal, or the non-grant of equal training opportunities, are to be considered retaliatory acts, unless the competent directorate/service/unit proves that such action is not in any way connected with the disclosure. Furthermore, the provisions of the Witness Protection Act also apply in this respect, as determined by the court and supervised by the Attorney General.

249. The GET welcomes the adoption of a dedicated Whistleblowing Law in early 2022. After the on-site visit, the GET was told that the Ministry of Justice and Public Order had developed a plan to raise awareness on the content of the Law, the obligations and rights provided therein, etc. In particular, three Guides had been prepared by the Ministry, with the cooperation of the Office of the Law Commissioner: one addressed to the employees, one to the employers and one to the competent authorities. They are all available online. Moreover, a list of competent authorities and their contact details, is uploaded on the website of the Ministry. This should help, on one hand, potential whistle-blowers to know where to submit their reports (as external reporting channels), and, on the other hand, the competent authorities to be aware of their authority to take the appropriate measures/procedures to receive external reports in accordance with provisions of the Law. Additionally, the Ministry intends to organise, through the competent authority, training, and educational programmes on whistleblowing legislation, addressed to officers and directors of the public (and the broader public) sector. So far, the Ministry has taken the appropriate steps in order for the

said programmes to be conducted by the Cyprus Academy of Public Administration and the Police Academy respectively.

250. The GET was also informed that organisational arrangements to provide for its effective implementation in the police are underway; PSID has been designated as the competent body to do so. An action plan has been prepared by PSID, including targeted actions and their expected completion. Accordingly, internal communications have been sent to inform managers of the new legislative provisions on whistleblowing so that they could further promote them among their subordinates. It is also foreseen that the Police Academy includes the issue of whistleblowing in its training curricula (inception and in-service). In addition, a leaflet/manual with useful information, tips and guidelines is to be issued and distributed within and outside the police. Another decisive task under development is that of establishing (internal and external) reporting and complaint channels. A confidential repository for the management of reports has been established and is further being coordinated and refined. Communication is ongoing with the Data Protection Commissioner in order to ensure a harmonised approach in the handling of data. Until the relevant procedures are fully in place, PSID acts as the recipient of any whistleblower complaint/report that concerns the police, whether the whistleblower is a member of the police or any other person.

251. All the aforementioned ongoing implementation measures to support whistleblowers go in the right direction. The GET highlights the significance of their effective completion. All the more, given the reluctance of police officers to speak out and complain about integrity, conflict of interests and corruption matters. There is almost no case registered of complaints coming from police officers on matters related to integrity breaches, which were investigated or are under investigation. Explanations may reside in various factors, starting with the lack of trust in the functioning of the system in place to, firstly, investigate integrity breaches, and secondly, provide for adequate protection measures in a very small community such as the police unit.

252. The articulation of an effective whistleblowing system, not only in law but also in practice, is critical for the police because of the “code of silence” (blue code) that could informally rule in hierarchical organisations, also because of the requirement of strict adherence to the principle of in-service discipline and loyalty, as well as the duty of confidentiality to which officers abide. This calls for the development of additional measures to encourage police officers to speak up. **GRECO recommends strengthening whistleblower protection, including through dedicated reporting and advisory channels, accompanied by training for all police ranks and regular information on available legal remedies.**

253. Further, the GET sees merit in conducting an independent study, which goes beyond the current available surveys on trust, in that it does not only gauge citizens’ perception of corruption of the police, but also looks into the general attitude of the workforce towards integrity breaches, and which is followed by specific, targeted measures to further promote ethical behaviour and the reporting of corruption in the police. The GET encourages the authorities to think proactively in this respect.

Enforcement and sanctions

Disciplinary procedure

254. The Police Regulations (Disciplinary) (Regulatory Administrative Act 53/1989) articulate the applicable disciplinary procedure. As mentioned before, PSID deals with the investigation of disciplinary offences. Disciplinary cases are also investigated by Police Officers (rank Inspector and above) who are appointed by the Assistant Chief of Police (Administration). Regarding the adjudication/sanctioning process, for Senior Police Officers (rank Superintendent B and above), a Disciplinary Committee is set up on an ad hoc basis by the Minister of Justice and Public Order and consists of one member of the public administration, one Legal Service Officer indicated by the Attorney General of the Republic and one member of the police with higher rank than the accused. The prosecuting officer is appointed by the Attorney General from the Legal Service of the Republic. For serious disciplinary offences against lower ranking police officers (from rank of Special Constable until Chief Inspector), a permanent Disciplinary Committee is set up by the Minister of Justice and Public Order, comprising three persons, one Senior Ranking Police Officer (as Chairperson of the Committee) and two Legal Service Officers indicated by the Attorney General of the Republic, for a period of two years, which can be renewed. In both instances, it is provided that the officers trying the case hold a higher-ranking post than the accused. All decisions are taken by majority vote. For allegations of minor disciplinary offences against lower ranking Police Officers (from rank of Special Constable until Chief Inspector), a single Presiding Officer is designated. The list of presiding officers is approved by the Minister of Justice and Public Order, after the recommendation of the Chief of Police. The prosecuting officers can be a police officer who has a law degree and experience in trial procedures.

255. The two aforementioned trying instances have different authorities, in relation to the disciplinary sanctions, they can impose. More specifically, the Disciplinary Committee can impose the following sanctions: dismissal; forced resignation; demotion in rank or pay grade; retention, interruption or suspension of the yearly increment; imposition of a fine that will not exceed the sum of €10 000; disciplinary transfer to another post, for a period of one to five years; strict reprimand and reprimand. When the offence is minor, the Presiding Officer, has the following powers: retention, interruption or suspension of the yearly increment; imposition of a fine that will not exceed the sum of €10 000; disciplinary transfer to another post, for a period of one to five years; strict reprimand and reprimand. Between 2017-2022, 13 police officers were subject to a sanction of dismissal.

256. Appeal processes are in place, notably through a Board of Appeals. When the offences committed relate to criminal offences, then the Criminal Court has competency over the trial and the penalties to be imposed. After the criminal court penalty, a disciplinary procedure is carried out.

Statistics on the overall number of disciplinary cases/convictions concerning Cyprus police officers (2017-2021)

Year	No. of Cases	Pending trial	Suspension of Disciplinary Prosecution & Non-Prosecution		
				Convicted	Acquitted
2017	106	3	14	72	17
2018	184	8	40	113	23
2019	161	18	45	86	12
2020	131	24	44	58	5
2021	83	25	17	39	2
Total	665	78	160	368	59

*Percentage of tried cases/overall no. of cases prosecuted: 84.56%

*Percentage of convictions/tried cases: 86.1%

*Percentage of non-prosecuted cases/overall no. of cases investigated: 24.1%

*Percentage of cases pending trial/overall no. of cases investigated: 11.73%

Statistics on suspension measures against Cyprus police officers for disciplinary cases investigated in 2019-2022

Year	Police officers suspended	Police officers still on suspension
2019	11	2
2020	11	2
2021	24	2
2022	18	1
TOTAL	64	7

* Note: The suspension measures which are in essence administrative measures ensure that preventive actions are taken to exclude any interference in the investigation process.

257. The GET notes that some disciplinary procedures may last long (up to two years). The authorities explain that this is due to the fact that although criminal and disciplinary procedures may run in parallel, for a disciplinary decision to be taken, the criminal procedure must be concluded, resulting in this delay. Concerns were also expressed on-site with respect to disciplinary cases about not being able to use the evidence gathered by the internal control unit (P.I.A.S.) in the course of its investigations; this is clearly a missed opportunity. Moreover, a more systematic approach in discipline could be developed: disciplinary committees are established ad hoc for senior officers or on a biannual (possibly renewable) basis for lower

ranking officials; this in turn may lead to inconsistent practice, including regarding the sanctions being applied.

258. The GET is convinced that improvements can be made to the current system to better ensure its effectiveness. The capacity of the police to deal effectively and timely with misconduct within its files is crucial, including in terms of reinforcing standards of expected behaviour and improving public confidence. **GRECO recommends establishing a process that ensures that cases are decided in a timely and consistent manner and that misconduct is effectively punished.**

Criminal procedure

259. There are no immunities or other procedural privileges available for LEOs. There are no special criminal proceedings, different from those applicable to other citizens.

260. From the information/complaints which were investigated since 2018 (year of P.I.A.S. establishment), 15 cases, regarding police corruption, were brought before the court for criminal prosecution, in which 15 members of the Police and 14 citizens were involved. From the above cases, one case was completed, and the involved member of the Police was sentenced to six months in prison with a three-year suspension. This member was also prosecuted via a disciplinary process and the sentence imposed on him was resignation from the force. In one case, a citizen was sentenced to eight months imprisonment for a criminal offence, for which a case of providing false information to the P.I.A.S. was also taken into account. In two cases, criminal prosecution was suspended (one of them owing to the permanent establishment of the main witness abroad). One case has been interrupted by the court, because the accused could not be located (he left Cyprus) and in one case the accused was acquitted by the Court. The remaining nine cases are under trial. The cases dealt with by the Police, involving Police members, do not establish any link of corruption with organised crime.

261. Penalties imposed for both criminal and disciplinary offences are published in the “Weekly Orders” (Part II) published every Monday, for internal use within the Police.⁶⁵ The public is made aware of cases of police corruption and related offences through the media. It has to be noted that the media is concerned only with serious cases and not minor ones. The basic information is provided by the Sub-Directorate of Communications, Public Relations and Social Responsibility of the Police in various ways (statements, posts in media, etc.). Information is also provided by the press representative of each Police Divisional Headquarters. It is noted that such investigations are legally provided to remain confidential and/or classified, pursuant to the provisions on privacy laid out in the Processing of Personal Data Law 2001 (138(I)/2001).

262. The GET refers back to a recommendation made earlier in this report (paragraph 244) as to how to improve the system of accountability of the police, including by better tracking and statistics.

⁶⁵ “Weekly Orders” is an internal document, issued by the Chief of Police for dissemination only within the Police.

VI. RECOMMENDATIONS AND FOLLOW-UP

263. In view of the findings of the present report, GRECO addresses the following recommendations to Cyprus:

Regarding central governments (top executive functions)

- i. that (i) the integrity requirements of persons hired at the discretion of central government to give advice to persons entrusted with top executive functions or to perform similar functions be thoroughly regulated, including as regards rules of conduct, conflicts of interest and financial disclosure obligations; and (ii) that the names, functions and contractual benefits (salaries etc.) of those hired for these positions are made easily accessible online and, when part-time recruitment/*ad hoc* engagement is the case, that information on their main job/activities is included (paragraph 45);**
- ii. that persons entrusted with top executive functions undergo an integrity check ahead of or right upon their appointment in order to identify and manage possible conflicts of interest (paragraph 46);**
- iii. developing a coordinated strategy for the integrity of persons entrusted with top executive functions, based on systematic and comprehensive risk assessment, aiming at preventing and managing conflicts of interest, including through responsive and efficient advisory, monitoring and compliance measures (paragraph 57);**
- iv. (i) that a code of conduct for persons entrusted with top executive functions be adopted, published and complemented with dedicated guidance regarding conflicts of interest and other integrity related matters (on issues such as the prevention of conflicts of interest, gifts, hospitality and other advantages, third party contacts, accessory activities and post-employment situations, disclosure requirements, the handling of confidential information), and (ii) that it be coupled with a credible and effective mechanism of supervision and sanctions (paragraph 61);**
- v. (i) developing mechanisms to promote and raise awareness on integrity matters among persons exercising top executive functions, including through integrity training at regular intervals; and (ii) establishing dedicated confidential counselling to provide persons exercising top executive functions with advice on integrity, conflicts of interest and corruption prevention (paragraph 63);**
- vi. that (i) access to information be subject to an independent and thorough analysis, with a particular focus on the scope of Law 184(I)2017, the exceptions to the right to access information and the application of these exceptions in practice, the applicable deadlines, the system of fees and the enforcement of the act; and (ii) in light of the findings of this analysis, additional measures be taken to improve public access to information and a culture of openness within the public authorities, where necessary (paragraph 73);**

- vii. **putting in place an institutionalised mechanism to monitor the quality of the consultation process in order to ensure relevant and timely stakeholder involvement in policy/regulatory development (paragraph 76);**
- viii. **that the Anti-Corruption Authority develops practical guidance for the implementation of the rules on how persons entrusted with top executive functions engage in contacts with lobbyists and other third parties seeking to influence governmental processes and decisions (paragraph 81);**
- ix. **that the post-employment regime be reviewed in order to improve its transparency and effectiveness and that it be broadened in scope to cover all persons with top executive functions (paragraph 124);**
- x. **(i) extending to all persons entrusted with top executive functions (including deputy spokespersons, the director of the Press Office of the President, advisors to the President and CPTAs hired at the discretion of central government to give advice to persons entrusted with top executive functions) the duty to declare their financial interests, and considering including information on spouses, civil partners and dependent family members (it being understood that the latter information would not necessarily be made public); (ii) that asset declarations be redesigned to provide for further itemisation and better comparability; (iii) that they be submitted online in machine readable form to allow for automated processing and verification; and (iv) that the frequency of the disclosure obligation be reviewed with a view to enhancing the usefulness of the information received and the overall effectiveness of the system (paragraph 129);**
- xi. **(i) ensuring substantive verifications of financial declarations of persons entrusted with top executive functions; (ii) that sufficient authority, expertise, resources, and independence be provided for this purpose; and (iii) that clear consequences and effective, proportionate, and dissuasive sanctions are applied to guarantee the veracity of information declared, as well as the actual timely filing of a declaration (paragraph 130);**
- xii. **that the Anti-Corruption Authority be provided with adequate material, financial and personnel resources to perform its tasks proactively and efficiently with respect to persons entrusted with top executive functions (paragraph 147);**
- xiii. **recommends that as regards the dedicated bodies for issues related to the prevention of corruption of persons entrusted with top executive functions (i) measures be taken to streamline their work and that effective institutionalised cooperation, information exchange and feedback processes are developed among them; and (ii) that they operate with an appropriate level of transparency and issue regular reports on their activity which are properly communicated to the public (paragraph 148);**

Regarding law enforcement agencies

- xiv. **adopting a coordinated corruption prevention and integrity policy for the police, based on systematic and comprehensive review of risk-prone areas, coupled with a mechanism providing for regular assessments (paragraph 174);**
- xv. **that (i) in-service training programmes and awareness raising measures on anti-corruption, integrity and professional ethics be developed and provided at regular intervals (covering conflicts of interest and other corruption prevention-related matters) for police officers, taking into consideration their specificity, the variety of duties and their vulnerabilities, including by paying particular attention to ethical leadership training ; and (ii) that the mechanism for providing confidential advice to police officers on ethical and integrity matters be strengthened, by ensuring its confidential nature and encouraging the use of the resource (paragraph 182);**
- xvi. **introducing additional measures, within the parameters of the Constitution, regarding the appointment and termination of the Chief and the Deputy Chief of police that are based on formal, objective, competitive and transparent criteria and procedures (paragraph 192);**
- xvii. **(i) that measures be introduced to enhance the objectivity (through measurable criteria) of decisions regarding the selection of officers for higher ranks, promotions and transfers, and to provide more transparency to such processes; and (ii) that steps be taken to strengthen the representation of women in all ranks in the police as part of recruitment and promotion policies (paragraph 196);**
- xviii. **developing an organisation-wide policy of vetting and regular re-vetting within the police service and ensuring adequate processes for the continual monitoring of employee vulnerabilities (paragraph 199);**
- xix. **enhancing the current regime for declarations of financial interests within the police by introducing an obligation in respect of higher rank officers and certain at-risk positions, to declare financial interests in accordance with a predefined format, when taking up their duties and at regular intervals throughout their service; and (ii) to provide for suitable oversight which includes verification of the declarations and the assessment of integrity risks (paragraph 219);**
- xx. **streamlining the oversight and accountability of the police, by (i) considering centralising the lodging of complaints through one entry point, with clear guidelines as to how referrals will be made; (ii) establishing an effective system of coordination and cooperation through clear protocols, which are also made known to the public; and that (iii) feedback is given as to the course of the case, and statistics are published, in order to provide an appropriate level of transparency as to how matters are dealt with at each stage of the process (paragraph 244);**
- xxi. **strengthening whistleblower protection, including through dedicated reporting and advisory channels, accompanied by training for all police ranks and regular information on available legal remedies (paragraph 252);**

xxii. establishing a process that ensures that cases are decided in a timely and consistent manner and that misconduct is effectively punished (paragraph 258).

264. Pursuant to Rule 30.2 of the Rules of Procedure, GRECO invites the authorities of Cyprus to submit a report on the measures taken to implement the above-mentioned recommendations by 31 December 2024. The measures will be assessed by GRECO through its specific compliance procedure.

265. GRECO invites the authorities of Cyprus to authorise, at their earliest convenience, the publication of this report, and to make a translation of it into the national language available to the public.

About GRECO

The Group of States against Corruption (GRECO) monitors the compliance of its member states with the Council of Europe's anti-corruption instruments. GRECO's monitoring comprises an "evaluation procedure" which is based on country specific responses to a questionnaire and on-site visits, and which is followed up by an impact assessment ("compliance procedure") which examines the measures taken to implement the recommendations emanating from the country evaluations. A dynamic process of mutual evaluation and peer pressure is applied, combining the expertise of practitioners acting as evaluators and state representatives sitting in plenary.

The work carried out by GRECO has led to the adoption of a considerable number of reports that contain a wealth of factual information on European anti-corruption policies and practices. The reports identify achievements and shortcomings in national legislation, regulations, policies and institutional set-ups, and include recommendations intended to improve the capacity of states to fight corruption and to promote integrity.

Membership in GRECO is open, on an equal footing, to Council of Europe member states and non-member states. The evaluation and compliance reports adopted by GRECO, as well as other information on GRECO, are available at: www.coe.int/greco.
