



# GREVIO

## Baseline Evaluation Report Cyprus

” Group of Experts  
on Action  
against Violence  
against Women and  
Domestic Violence  
(GREVIO)



**Istanbul Convention**

**GREVIO's (Baseline) Evaluation Report**  
on legislative and other measures  
giving effect to the provisions  
of the Council of Europe Convention  
on Preventing and Combating  
Violence against Women and Domestic Violence  
(Istanbul Convention)  
**CYPRUS**

Group of Experts  
on Action against Violence against Women  
and Domestic Violence (GREVIO)

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## Table of contents

<b>Foreword</b> .....	<b>4</b>
<b>Executive summary</b> .....	<b>6</b>
<b>Introduction</b> .....	<b>9</b>
<b>I. Purposes, definitions, equality and non-discrimination, general obligations</b> .....	<b>11</b>
A. General principles of the convention.....	11
B. Scope of application of the convention and definitions (Articles 2 and 3).....	11
C. Fundamental rights, equality and non-discrimination (Article 4).....	13
1. Gender equality and non-discrimination.....	14
2. Intersectional discrimination.....	14
D. State obligations and due diligence (Article 5).....	17
<b>II. Integrated policies and data collection</b> .....	<b>18</b>
A. Comprehensive and co-ordinated policies (Article 7).....	18
B. Financial resources (Article 8).....	20
C. Non-governmental organisations and civil society (Article 9).....	22
D. Co-ordinating body (Article 10).....	23
E. Data collection and research (Article 11).....	25
1. Administrative data collection.....	25
2. Population-based surveys.....	27
3. Research.....	27
<b>III. Prevention</b> .....	<b>29</b>
A. General obligations (Article 12).....	29
B. Awareness raising (Article 13).....	30
C. Education (Article 14).....	31
D. Training of professionals (Article 15).....	34
E. Preventive intervention and treatment programmes (Article 16).....	36
1. Programmes for perpetrators of domestic violence.....	36
2. Programmes for sex offenders.....	38
F. Participation of the private sector and the media (Article 17).....	38
<b>IV. Protection and support</b> .....	<b>41</b>
A. General obligations (Article 18).....	41
B. Information (Article 19).....	43
C. General support services (Article 20).....	44
1. Social services.....	44
2. Healthcare services.....	45
D. Specialist support services (Article 22).....	46
E. Shelters (Article 23).....	48
F. Telephone helplines (Article 24).....	48
G. Support for victims of sexual violence (Article 25).....	49
H. Protection and support for child witnesses (Article 26).....	51
I. Reporting by professionals (Article 28).....	51
<b>V. Substantive law</b> .....	<b>53</b>
A. Civil law.....	53
1. Civil remedies against the state – ensuring due diligence (Article 29).....	53
2. Compensation (Article 30).....	54
3. Custody, visitation rights and safety (Article 31).....	55
<b>A. Criminal law</b> .....	<b>57</b>
1. Psychological violence (Article 33).....	58
2. Stalking (Article 34).....	58
3. Sexual violence, including rape (Article 36).....	60
4. Sexual violence, including rape (Article 36).....	60

5. Forced marriage (Article 37).....	61
6. Female genital mutilation (Article 38).....	62
7. Forced abortion and forced sterilisation (Article 39).....	63
8. Sexual harassment (Article 40).....	64
9. Unacceptable justifications for crimes, including crimes committed in the name of so-called honour (Article 42).....	65
10. Sanctions and measures (Article 45).....	65
11. Aggravating circumstances (Article 46).....	66
12. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48).....	66
<b>VI. Investigation, prosecution, procedural law and protective measures .....</b>	<b>67</b>
A. General obligations, immediate response, prevention and protection (Articles 49 and 50).....	67
1. Reporting to, immediate response and investigations by law-enforcement agencies.....	67
2. Effective investigation and prosecution .....	67
3. Conviction rates.....	69
B. Risk assessment and risk management (Article 51) .....	70
C. Emergency barring orders (Article 52).....	71
D. Restraining or protection orders (Article 53) .....	73
E. Ex parte and ex officio proceedings (Article 55).....	75
1. <i>Ex parte</i> and <i>ex officio</i> proceedings .....	75
2. Victim support in legal proceedings .....	75
F. Legal aid (Article 57) .....	76
<b>VII. Migration and asylum .....</b>	<b>77</b>
A. Residence status (Article 59).....	77
B. Gender-based asylum claims (Article 60) .....	77
1. Gender-sensitive asylum determination procedure .....	78
2. Accommodation.....	80
C. Non-refoulement (Article 61) .....	82
<b>Concluding remarks .....</b>	<b>84</b>
<b>Appendix I List of proposals and suggestions by GREVIO .....</b>	<b>86</b>
<b>Appendix II List of the national authorities, other public bodies, non-governmental organisations and civil society organisations with which GREVIO held consultations ..</b>	<b>98</b>

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## Foreword

The Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) is an independent human rights monitoring body mandated to monitor the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, “the Istanbul Convention”) by the parties to the convention. It is composed of 15 independent and impartial experts appointed on the basis of their recognised expertise in the fields of human rights, gender equality, violence against women and/or assistance to and protection of victims.

GREVIO’s statutory activities include country-by-country monitoring of the Istanbul Convention (evaluation procedure), the initiation of inquiries into specific circumstances within a party to the convention (inquiry procedure) and the adoption of general recommendations on themes and concepts of the convention.

This report is the fruit of the first (baseline) evaluation procedure carried out in respect of Cyprus. It covers the Istanbul Convention in its entirety<sup>1</sup> and thus assesses the level of compliance of country legislation and practice in all areas covered by the convention. In light of the scope of the convention – as set out in its Article 2, paragraph 1 – the baseline evaluation focuses on measures taken in relation to “all forms of violence against women, including domestic violence, which affects women disproportionately”. Hence, the term “victim” used throughout this report is to be understood as referring to a woman or girl victim.

Based on this assessment, the report proposes measures to strengthen the implementation of the convention. In proposing such measures, GREVIO has adopted the use of different verbs which correspond to different levels of urgency, noting that all of them are important. These are, in order of priority, “urges”, “strongly encourages”, “encourages” and “invites”. GREVIO uses the verb “urges” where it considers that immediate action is required to bring the party’s legislation or policy into compliance with the Istanbul Convention, or to ensure its implementation. “Strongly encourages” is used where GREVIO has noted shortcomings which need to be remedied in the near future in order to ensure comprehensive implementation of the convention. A third level of urgency is indicated by the use of the verb “encourages”, which is used for shortcomings that require attention though possibly at a later stage. Last, the verb “invites” points to small gaps in implementation which the party is requested to consider closing or to proposals made to provide guidance in the implementation process.

The first (baseline) evaluation procedure is made up of several steps, each of which allows GREVIO to obtain critical information upon which to base its report. It is carried out as a process of confidential dialogue with the aim of offering country-specific proposals and suggestions for improvement developed within the national context of the party under review. These include the following:

- submission, by the party, of a report drawn up on the basis of GREVIO’s baseline questionnaire (the state report);
- an evaluation visit to the party under review to meet with governmental and non-governmental representatives working in this field;
- comments by the party on GREVIO’s draft report;
- publication of GREVIO’s report after its adoption together with any comments received from the party.

In addition, GREVIO also collects additional information from various other sources, including non-governmental organisations (NGOs), other members of civil society, national human rights institutions and Council of Europe bodies (Parliamentary Assembly, Human Rights Commissioner and other pertinent bodies), as well as other international treaty bodies. Within the framework of the

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1. With the exception of Chapter VIII of the convention, which GREVIO considered as less relevant in assessing the national situation in each contracting party.

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evaluation of Cyprus, GREVIO received written contributions from the Mediterranean Institute of Gender Studies and the End FGM European Network.

The state report and the written contributions submitted by civil society have been made public and are available on the official website of the Istanbul Convention.

The analysis, suggestions and proposals contained in this first baseline evaluation report were drawn up under the exclusive responsibility of GREVIO. It covers the situation as observed by the GREVIO delegation during its evaluation visit to Cyprus. Where available, significant legislative and policy developments up until 13 October 2022 have also been taken into account.

According to the convention, national parliaments shall receive this report from the national authorities (Article 70, paragraph 2). GREVIO requests the national authorities to translate this report into their official national language(s) and to ensure that it is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), in particular to the government, the ministries and the judiciary, but also to NGOs and other civil society organisations which work in the field of violence against women.



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## Executive summary

This report provides an assessment of the measures of implementation taken by the Cypriot authorities with regard to all aspects of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (hereafter “the convention”).

This assessment has been carried out by the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent human right monitoring body mandated to monitor the implementation of the convention. GREVIO’s findings are based on the information obtained during the various steps of the first (baseline) evaluation procedure set out in Article 68 of the convention. These include written reports (a state report submitted by the Cypriot authorities and additional information submitted by the Mediterranean Institute for Gender Studies and the End FGM European Network) as well as a five-day evaluation visit to Cyprus. A list of the bodies and entities which GREVIO had exchanges with can be found in Appendix II.

The report highlights numerous positive legal and policy measures that have been taken by the Cypriot authorities following Cyprus’s ratification of the convention, which demonstrate firm resolve to prevent and combat domestic violence and violence against women and to ensure gender equality. These positive developments include the passing of Law 115(1)/2021 on the Prevention and Combating of Violence against Women and Domestic Violence and Related matters, criminalising different forms of violence against women, the adoption of amendments to the definition of rape with a view to aligning it more closely to the convention, as well as the entry into force of the 2021 Law to Provide for the Protection from Harassment and Stalking and the 2020 Law on Combating Sexism and Sexist Behaviour. One of the many novelties under Law 115(1)/2021 on the Prevention and Combating of Violence against Women and Domestic Violence and Related matters is, for example, the criminal and civil liability of a legal person for the commission of a violence against women offence, under certain conditions, thereby fostering greater accountability of employers in ensuring a working environment that is free of gender-based violence against women, a characteristic that goes beyond the provisions of the convention. Equally important is the criminalisation, under the latter law, of forms of sexual and gendered online harassment such as sexual images/videos taken without consent and disseminated online.

Other important measures described in the report include the setting up of the Women’s House, a multi-agency and multi-professional crisis centre which offers victims of domestic violence a complete range of support services all under one roof, 24 hours a day, seven days a week. The report welcomes, in particular, the organisation, within the Woman’s House of a mini-case conference involving a range of professionals that discuss individual cases and create a risk management plan for the victim, with a view of reducing the risk of secondary victimisation. The report also welcomes the setting up in March 2022, for the first time, of a fully institutionalised national co-ordinating body with dedicated resources, whose role will be to foster co-ordination between the relevant stakeholders, among its many tasks. Finally, the report positively notes the setting up of specialised investigative units responsible for investigating cases of domestic violence and staffed with trained law enforcement officials, whose tireless work has been recognised to have led to an increase in the reporting of cases.

Despite the above, GREVIO has observed in this report a number of issues where improvement is warranted in order to reach higher levels of compliance with the requirements of the Istanbul Convention. In the area of protection, notwithstanding the requirement of Law 115(1)/2021 on the Prevention and Combating of Violence against Women and Domestic Violence and Related matters to provide adequate support for victims of sexual violence on the basis of robust protocols, the report points to the absence of a rape crisis or sexual violence referral centre capable of providing holistic and comprehensive support to victims of sexual violence/rape. It equally notes that currently forensic evidence can be lifted from the victim if she has reported the violence to the police, a requirement which is not in line with the convention.

Moreover structural shortcomings have been identified stemming from the co-existence of the 2000 Violence in the Family Law and the Law 115(1)/2021 on the Prevention and Combating of Violence

against Women and Domestic Violence and Related matters, leading to overlapping and contradicting provisions on certain matters, including on the definitions provided on domestic violence, on the instances in which criminal court judges can refer perpetrators to perpetrator programmes, but also in relation to some aspects of criminal procedural law, such as the issue of emergency barring orders and protection orders. The report also highlights how, despite the inclusion in two successive national action plans on gender equality of the objective to create a centralised database on all forms of violence against women, no progress has been made thus far. The data that are currently being collected are, in fact, scarce, disjointed and incapable of providing an overall picture on the incidence of domestic violence and other forms of violence against women, the support and protection provided to victims and, more generally, the response of the relevant institutions. In particular, the insufficient collection of statistical data on the number of reports received by the police, the investigations opened, indictments made, and final convictions handed down by courts, for any form of violence against women, renders an assessment of attrition rates and the identification of gaps in the criminal justice response to violence against women extremely difficult.

Notwithstanding the steps taken to train law enforcement officers on violence against women, the report underscores that prejudices and patriarchal attitudes still seem to be rampant and have led to failure to record incidents of violence against women and inaction of the police, which, in turn have led to significant underreporting by victims due to lack of trust. The report equally highlights how law enforcement authorities, under prosecutor's guidance, over-rely on the victim's statement, failing to collect additional evidence, which in turn, have led to a low number of cases proceeding successfully along the criminal justice chain. Moreover, the report expresses serious concern about the lack of mandatory initial and in-service training of prosecutors and judges, noting that some have been reported to display sexist and misogynist attitudes towards women victims of domestic violence and sexual violence/rape and generally have an insufficient understanding of the paradigmatic shift in proving rape since the relevant law has been amended.

The report also identifies significant shortcomings both in the law and in the practice of family courts when deciding on custody and visitation rights after domestic violence. Under the relevant laws, no explicit reference is made to domestic violence or other forms of violence against women as a legal criterion to be taken into account when deciding on custody and visitation. Moreover, family courts appear to interpret the best interest of the child as maintaining contact with both parents in all cases, even where the child has witnessed violence. In the report, concern is equally expressed about the increase in use by courts of the concept of so called "parental alienation syndrome" in cases of domestic violence, a concept which is recognised not to exist, and the difficulties experienced in ensuring the safety of the victim and/or the child during visitation with abusive fathers in cases of domestic violence.

Recognising the difficulties faced by Cyprus due to the unprecedented influx of migrants and asylum seekers, the report identifies significant challenges in ensuring an asylum determination procedure that is gender sensitive. It notes the low number of decisions granting refugee status on the basis of gender-related forms of persecution, with preference given, where applicable, to granting subsidiary protection, a status that denies the right to family reunification. Such low recognition rates are also linked to structural and grave shortcomings in the asylum determination procedure, including lack of access to legal aid at the first instance level, lack of motivation of decisions rejecting asylum status, the significant burden placed by the Law on Free Legal Aid on asylum seekers who wish to receive free legal aid and the significant understaffing of the asylum service and other bodies involved in the asylum determination procedure. As regards the reception of women and girls seeking asylum, the report notes that vulnerability screening is often not immediately carried out, leading to victims of gender-based violence against women going unidentified and being subjected to protracted periods of *de facto* detention in the Pournara first reception centre, in sub-standard conditions. Insufficient measures have been taken in this reception centre to separate single women and unaccompanied girls from men, resulting in numerous reports of sexual violence in this reception facility.

While GREVIO welcomes Cyprus's ratification of the Istanbul Convention and the efforts taken in its implementation, it has identified a number of issues that require urgent action by the authorities to comply fully with the convention's provisions. These relate to the need to:

- develop a central policy document, on the basis of the VAW law, that offers a holistic response to all forms of violence against women covered by the scope of the convention, beyond domestic violence, that is implemented by way of effective co-operation between all relevant institutions;
- integrate the perspectives and needs of women who are or may be exposed to or at risk of intersectional discrimination such as domestic workers, asylum-seeking and/or migrant women and women with disabilities into the design, implementation, monitoring and evaluation of comprehensive and co-ordinated policies for preventing and combating violence against women, so as to overcome the specific difficulties experienced by these groups of women;
- provide dedicated, sufficient and sustainable funding for programmes and policies on the prevention and combating of all forms of violence against women and for women's organisations specialised in this area;
- ensure that the National Co-ordinating Body for the Prevention and Combating of Violence against Women is empowered to co-ordinate and implement all existing policies on violence against women, while avoiding any overlaps with the functions of the Advisory Committee for the Prevention and Combating of Violence in the Family, and ensuring that a separate body is entrusted with the monitoring and evaluation of the relevant policies;
- take legislative and other measures to ensure systematic and mandatory initial and in-service training on all forms of violence against women for all the relevant professionals who come into contact or deal with victims and perpetrators;
- strengthen the capacity and outreach of perpetrator programmes by rolling out the existing programme to other parts of the territory, beyond the capital of Cyprus and integrating such programmes in the criminal justice system as a tool to reduce recidivism, in addition to sentencing or the issuing of protection measures;
- ensure the roll-out of the Women's House to other parts of the country, so that victims can benefit from support services on a one-stop-shop basis, regardless of where they may reside;
- further implement Law 115(1)/2021 on the Prevention and Combating of Violence against Women and Domestic Violence and Related matters as regards the development and implementation of comprehensive protocols in hospitals to identify, treat and refer victims of domestic violence, rape/sexual violence and female genital mutilation, with training being provided on the application of such protocols and overcome practical obstacles faced by victims of FGM in accessing specialised healthcare support;
- ensure specialist support services to victims of all forms of violence against women, beyond domestic violence, in an adequate distribution.

Furthermore, GREVIO has identified a number of additional areas in which improvements are required in order to comply fully with the obligations of the convention. These relate, among others, to the need to: ensure effective co-operation with NGOs and civil society in policy making; promote on a regular basis awareness-raising campaigns on all forms of violence against women addressing, *inter alia*, the specific needs of vulnerable groups of women and girls; further strengthen the development and monitoring of self-regulatory standards for journalists and the media on the non-sexist and non-stereotypical portrayal of women in the media and on the reporting of violence they may have suffered, as well as training on those standards.

## Introduction

Cyprus ratified the Istanbul Convention on 10 November 2017. In accordance with Article 78, paragraph 2, of the convention, Cyprus reserves the right not to apply the provisions under Article 30, paragraph 2, concerning state compensation to victims, Article 44, paragraphs 1e, 3 and 4 concerning jurisdiction and Article 59 regarding the residence status of victims. These reservations are valid for a period of five years from the day of the entry into force of the convention in respect of Cyprus and may be renewed.

The Istanbul Convention is the most far-reaching international treaty to tackle violence against women and domestic violence. Its comprehensive set of provisions spans far-ranging preventive and protective measures as well as a number of obligations to ensure an adequate criminal justice response to such serious violations of human rights. It covers new ground by asking that root causes of violence against women (such as gender stereotyping, traditions harmful to women and general manifestations of gender inequality) be addressed.

The convention sets up a monitoring mechanism to assess the level of implementation by its parties. This monitoring mechanism consists of two pillars: the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent expert body, and the Committee of the Parties, a political body composed of official representatives of the parties to the convention.

In accordance with Article 68 of the convention, GREVIO initiated the baseline evaluation in respect of Cyprus by letter and transmission of its questionnaire on 2 February 2021. The order of reporting to GREVIO is based on a combination of regional groupings and order of ratification. The Cypriot authorities subsequently submitted their state report on 30 July 2021 – the deadline set by GREVIO. Following a preliminary examination of the country state report, GREVIO carried out an evaluation visit to Cyprus, which took place from 14 to 18 March 2022. The delegation was composed of:

- Maria-Andriani Kostopoulou, Member of GREVIO
- Marceline Naudi, Member of GREVIO
- Francesca Montagna, Administrator at the Secretariat of the monitoring mechanism of the Istanbul Convention

During the evaluation visit, the delegation was welcomed by high-level public figures, including those from the Ministry of Justice and Public Order of the Republic; the National Machinery for Women's Rights; the Advisory Committee for Preventing and Combating Violence in the Family; the Ministry of Labour, Welfare and Social Insurance; the Cyprus Academy of Public Administration; the Commissioner for Administration and Protection on Human Rights; the Ministry of Education, Culture, Sport and Youth; the Statistical Service of Cyprus; the Ministry of Finance; the Cyprus Academy for Public Administration; the Ministry of Health; the Ministry of Interior, including the asylum service; the police; the Commissioner for Children's Rights; the Gender Equality Committee in Employment and Vocational Training; and the Broadcasting Authority.

In addition, the delegation met with a wide range of governmental and non-governmental representatives working in the area of preventing and combating violence against women. A list of the national authorities, non-governmental organisations and others met is set out in Appendix II of this report. GREVIO is grateful for the valuable information provided by all of them.

The evaluation visit was prepared in close co-operation with Niki Andreou, an administrative officer who was appointed as contact person for the evaluation by GREVIO. GREVIO wishes to extend its gratitude for the co-operation and support provided throughout the entire evaluation procedure and for the constructive approach adopted by the country authorities.

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As part of this first baseline evaluation, GREVIO examined the implementation measures taken by the national authorities concerning all aspects of the convention. For the sake of brevity, this report gives priority to some provisions over others. While it covers all chapters of the convention (with the exception of Chapter VIII), it does not present detailed assessments and conclusions for each provision.

## **I. Purposes, definitions, equality and non-discrimination, general obligations**

### **A. General principles of the convention**

1. Chapter I of the Istanbul Convention sets out general principles which apply to all the substantive articles contained in Chapters II to VII. These include, among other things, that it is a fundamental human right for everyone, particularly women, to live a life free from violence in both the public and the private sphere, that the convention must be implemented without discrimination on any ground and that the potential for, and effects of, multiple forms of discrimination should be borne in mind. They also spell out that a gender perspective must be integrated into the implementation of the convention and the evaluation of its impact.

2. GREVIO notes the positive momentum generated in Cyprus by the ratification of the Istanbul Convention and congratulates the state party for having seized the opportunity to adopt and implement ambitious legislation and measures to prevent and combat domestic violence and violence against women and to ensure gender equality. Some of the laws or amendments to the law that were adopted in the area of violence against women following the ratification of the convention include: Law 115(1)/2021, the Prevention and Combating of Violence against Women and Domestic Violence and for Related Matters (“the (2021) VAW law”) aimed at implementing the Istanbul Convention; the 2020 law on Combating Sexism and Sexist Behaviour (“the law on sexism”); the 2021 law to Provide for the Protection from Harassment and Stalking (“the law on stalking”); and an amendment to the definition of rape with a view to aligning it more closely with the convention. At the policy level, the 2019-2023 National Action Plan on Gender Equality (“the Gender Equality NAP”), developed by the authorities, includes measures to combat violence against women and implement the Istanbul Convention, as well as to empower vulnerable groups of women and eliminate gender stereotypes and prejudices.<sup>2</sup> In addition to the above, other relevant important measures that have been championed by Cyprus with a view to implementing the Istanbul Convention include: the setting up by the authorities, in co-operation with civil society, of the Women’s House; the setting up of special units in the police to investigate cases of gender-based and domestic violence; the adoption in 2018 of a risk-assessment protocol to be used by the police in cases of intimate partner violence; and the setting up in March 2022, for the first time, of a national co-ordination body with dedicated resources. Finally, GREVIO notes that draft legislation and/or amendments are currently pending before the parliament with a view to possibly introducing the offence of femicide and amending the Family Law to bring it in line with Article 31 of the convention. GREVIO underlines that in a society which is otherwise still marked by patriarchy, the above measures demonstrate strong political will to change mentalities, achieve gender equality and breathe life into the provisions of the Istanbul Convention.

### **B. Scope of application of the convention and definitions (Articles 2 and 3)**

3. In light of the scope of the Istanbul Convention set out in its Article 2, paragraph 1, the first baseline evaluation focuses on measures taken in relation to all forms of violence against women, including domestic violence, which affect women disproportionately. Article 3 of the Istanbul Convention sets out key definitions of concepts that are fundamental to its implementation. According to paragraph *a*, the term “violence against women” refers to “all acts of gender--based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”, whereas the expression “domestic violence” is to be understood as referring to “all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim”. The definition of “gender--based violence against women” offered in paragraph *d* of Article 3 seeks to

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2. The principal policies in place in Cyprus to prevent and combat violence against women are discussed in detail in the analysis under Chapter II of this report, Comprehensive and co-ordinated policies.

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ensure more clarity regarding the nature of the violence covered by explaining that this is “violence that is directed against a woman because she is a woman or that affects women disproportionately”.

4. Hence, the violence addressed by the Istanbul Convention differs from other types of violence in that the victim’s gender is the primary motive. It is violence that is perpetrated against a woman that is both a cause and consequence of unequal power relations based on perceived differences between women and men that lead to women’s subordinate status in the public and private spheres. In accordance with the definition given in Article 3, paragraph *b*, Chapter V of the convention specifies the forms of violence against women that are to be criminalised (or, where applicable, otherwise sanctioned). These are psychological violence, stalking, physical violence, sexual violence, including rape, forced marriage, female genital mutilation, forced abortion, forced sterilisation and sexual harassment. Owing to the seriousness of domestic violence, Article 46 of the convention requires ensuring that the circumstance in which the offence was committed against a former or current spouse or partner, by a member of the family, a person cohabiting with the victim or a person having abused her or his authority, may entail a harsher sentence either as an aggravating circumstance or a constituent element of the offence.

5. Prior to the ratification of the convention, other than the criminalisation of certain forms of violence against women by the Criminal Code, legislation and policy had primarily addressed domestic violence by defining it as “violence in the family”. Of relevance are the 2000 Law on Violence in the Family, amended subsequently in 2014 (“the VF law”) and the successive national action plans for the prevention and combating of domestic violence, the last one covering the period 2017 to 2019. With a view to meeting the standards of the Istanbul Convention, the 2021 VAW law introduced some legal obligations for the authorities in the area of prevention, protection and victim support with regard to violence against women offences, including economic violence and psychological violence. Nonetheless, neither the 2021 VAW law nor the Gender Equality NAP have prompted the adoption of specific policies, robust protocols or dedicated services for harmful forms of gender-based violence against women other than domestic violence, such as sexual violence/rape, female genital mutilation (FGM), forced marriage, forced abortion and forced sterilisation. GREVIO considers that criminal justice responses are not sufficient and must be complemented with dedicated policies, services and measures addressing all forms of violence against women identified and defined by the Istanbul Convention, beyond domestic violence.

6. GREVIO observes that while the 2000 VF law did not address the gendered nature of domestic violence, the 2021 VAW law and the 2019-2022 Gender Equality NAP have a more gendered approach, framing it as a women’s rights issue. More specifically, the preamble of the 2021 VAW law frames violence against women as a violation of human rights and a form of discrimination against women, acknowledging that it is grounded on historically unequal power relations between women and men and that domestic violence affects women disproportionately. Moreover, it defines gender-based violence in line with the convention<sup>3</sup> and includes obligations on training all relevant professionals in the prevention and combating of violence against women and gender equality. Its obligations in relation to the education of children equally reflect a gendered understanding of violence against women as they focus on the need to prevent and combat this violence and also tackle gender equality, stereotyped gender roles and sexism. This, however, has yet to translate into a fully gendered understanding by key institutions, notably social welfare services and those in the criminal justice sector, who frequently do not demonstrate a gendered understanding of violence against women.

7. As regards the alignment of the definitions used in national legislation with those provided under Article 3 of the convention, while the operational provisions of the 2021 VAW law do not, strictly speaking, directly define the concept of violence against women, the preamble frames this concept in line with the convention. The law clarifies which offences are to be considered as “violence against women offences” by referring to a catalogue of criminal law provisions and defines the

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3. It defines gender-based violence as “violence that is directed against a woman because of her gender or violence that affects a woman disproportionately”.

concept of “violence”, mainly in line with the concept of violence against women provided under the convention.<sup>4</sup>

8. When it comes to the definition of domestic violence, GREVIO is of the view that the co-existence of the VF law and the 2021 VAW law creates a convoluted legal framework which may lead to an inconsistent application of the law and uncertainty both for practitioners and victims as to which set of provisions apply.<sup>5</sup> More specifically, the 2021 VAW law defines domestic violence<sup>6</sup> as an “act, omission or behaviour which causes harm to a member of the family” and “includes violence used for the purpose of sexual intercourse without the consent of the victim, as well as restricting the victim’s liberty in line with Articles 3 and 4 of the VF law”.<sup>7</sup> The provisions of the VF law that are referred to are largely in line with the convention’s definition of domestic violence but do not encompass economic violence. Moreover, the VF law defines “member of the family” as not encompassing partners or former partners that do not share or have not shared the same residence.<sup>8</sup> Presumably to fill these gaps, the 2021 VAW law adds a second indent to the definition of domestic violence, specifying that in addition to the offences foreseen under the VF law, domestic violence is any other “violence against women offence” provided under the 2021 VAW law, whether or not the perpetrator shares or has shared the same residence. The current definition of the 2021 VAW law, therefore, appears to be aligned to the definition of the convention, as it encompasses also economic violence and extends to partners and ex-partners that have not shared a residence with the victim. Nonetheless, the co-existence of the two laws introduces uncertainty as to which law should be applied in cases of domestic violence, as in principle a prosecutor could use both, with the VF law’s definition of domestic violence not being aligned to that of the convention. Moreover, the legislative technique applied in the 2021 VAW law to define domestic violence makes it very difficult to understand the scope of application of the provision, including in respect of the applicable sanctions.<sup>9</sup>

**9. GREVIO strongly encourages the authorities of Cyprus to study the impact of the co-existence of the 2000 Law on Violence in the Family and the 2021 Law on the Prevention and Combating of Violence against Women and Domestic Violence and for Related Matters and take measures to simplify the current legal framework with a view to ensuring greater clarity. In particular, GREVIO strongly encourages the authorities to ensure that any inconsistencies in the applicable definitions and provisions are resolved, including those on domestic violence, and that only definitions that are in line with the convention are applied.**

#### **C. Fundamental rights, equality and non-discrimination (Article 4)**

4. The 2021 VAW law defines the concept of “violence” as an “act, omission or non-consensual act of a sexual nature or conduct which may result in causing harm to the victim and includes physical, verbal, sexual, psychological, economic and any other form of violence or suffering against a woman, any threat of such act, as well as coercion or arbitrary deprivation of liberty, whether committed in public or private life”.

5. The negative consequences stemming from the overlap of the provisions of these two laws will also be discussed in Chapter VI, Emergency Barring Orders and Restraining or Protection Orders.

6. Under the preliminary definitions outlined in Article 2 of the 2021 VAW law, “domestic violence” means an “(a) act, omission or behaviour of a person which causes harm to a member of his/her family and includes violence used for the purpose of sexual intercourse without the consent of the victim as well as restricting the victim’s liberty according to sections 3 and 4 of the Violence in the Family (Prevention and Protection of Victims) Law; and (b) in addition to the offences provided by the Violence in the Family Law, *an offence of violence against a woman* when committed against a person by a member of his/her family, whether residing or used to reside with this person in the past, irrespective of whether the person shares or has shared the same residence with the victim”.

7. The 2000 VF law does not specifically define “domestic violence” but defines “violence” as “any act, omission or behaviour which causes physical, sexual or mental injury to any member of the family by another member of the family and includes violence used for the purpose of having sexual intercourse without the consent of the victim as well as of restricting its freedom” and further refers to a catalogue of offences listed in section 4 of the same law.

8. Under the VF law, “member of the family” means (a) husband and wife who (i) have been legally married, whether the marriage exists or not, or (ii) are or were cohabiting as husband and wife; (b) the parents of the persons referred to in paragraph (a); (c) children of the persons referred to in paragraph (a), irrespective of whether such children are the natural or adopted children of either or both of the said persons, as well as the grandchildren of the persons referred to in paragraph (a); (d) any person residing with any of the above mentioned persons.

9. Whereas the VF law foresees specific sanctions for the offence of domestic violence under its Article 3, it is not clear whether under the 2021 VAW law the sanctions of the VF law apply, or whether, alternatively, the sanctions foreseen by the single violence against women offences apply under the criminal code/other laws and an aggravating circumstance can be applied under its Article 11 if committed by a “member of the family”.



## 1. Gender equality and non-discrimination

10. GREVIO welcomes the enshrinement of the principle of equality between women and men and the prohibition of direct and indirect discrimination on an open-ended list of grounds, including on grounds of sex, under Article 28 of the Constitution of Cyprus.<sup>10</sup> The 2021 VAW law, under its Article 4, paragraph 1, also clarifies that all of its provisions must be applied without discrimination of any kind, including on grounds of sex. Cyprus has enacted additional laws and set up bodies aimed at securing equality between men and women, including, *inter alia*: the Equal Treatment of Men and Women in Employment and Vocational Training; the Equal Pay for Men and Women for Equal Work or Work of Equal Value; and the Combating Sexism and Sexist Behaviour Law (“the law on sexism”). The Office of the Commissioner for Gender Equality was set up in 2014 to promote the principle of equality between women and men and to eliminate discrimination, including by monitoring the implementation of the policies and measures that promote equality between women and men and by submitting proposals and recommendations to the President of the Republic. The Commissioner on Gender Equality also chairs the National Machinery for Women’s Rights (NMWR),<sup>11</sup> a mechanism set up by decision of the Council of Ministers, regrouping over 90 women’s rights organisations. This body participates in policy-making processes initiated by various ministries and strives to ensure that a gender perspective is mainstreamed in the formulation and implementation of such policies and programmes, including by organising training of public officials on gender equality issues. Reports, however, have pointed to an inadequate allocation of human and financial resources and limited capacity to co-ordinate and implement gender equality policies and programmes.<sup>12</sup> At the policy level, GREVIO welcomes the inclusion in the 2019 to 2023 Gender Equality NAP, as priority objectives, the mainstreaming of gender into all policies, including from a budgeting perspective; the adoption and dissemination of a Manual for the Implementation of Gender Mainstreaming in Public Policy; and parallel dedicated training for public officials to this effect. Other requirements and measures that have been introduced with a view to securing gender equality include, by way of example, the prior execution of a gender equality impact assessment before a bill can be presented to parliament and the appointment in each ministry of a focal point for gender equality.<sup>13</sup> Finally, worthy of note are the Department of Higher Education’s efforts underway to collect qualitative and quantitative sex disaggregated data on the student population of higher education. This data are in the process of being collected with a view of assessing progress in gender equality with regards to access and attendance of tertiary education. GREVIO congratulates Cyprus on these important measures and notes that studies indicate that Cyprus has made important strides in the last few years in achieving gender equality.<sup>14</sup> Nevertheless, as will be discussed throughout this report, women’s rights organisations underline the persistence of patriarchal attitudes and gender stereotypes which hamper the practical realisation of gender equality and the prevention and combating of violence against women.

## 2. Intersectional discrimination

11. Article 4, paragraph 3, of the Istanbul Convention requires parties to secure the implementation of their undertakings under the convention without any discrimination. This provision provides an open-ended list of grounds of discrimination which draws on that of Article 14 of the

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10. Under Article 28 “All persons are equal before the law, the administration and justice and are entitled to equal protection thereof and treatment. Every person shall enjoy all the rights and liberties provided for in this Constitution without any direct or indirect discrimination against any person on the ground of his community, race, religion, language, sex, political or other convictions, national or social descent, birth, colour, wealth, social class, or on any ground whatsoever, unless there is express provision to the contrary in this Constitution”.

11. The NMWR is composed of three collegial bodies – the Council; the National Committee; and the Inter-ministerial Committee – and the Secretariat. The NMWR Council consists of 20 member organisations and includes women’s organisations, trade unions and other non-governmental organisations, of which two are Turkish Cypriot. The National Committee of the NMWR consists of 70 organisations.

12. See CEDAW CO/8 document.

13. See Committee on the Elimination of Discrimination against Women, Information received from Cyprus on follow-up to the concluding observations on its eighth periodic report, 22 July 2020, CEDAW/C/CYP/FCO/8, p. 5.

14. See EIGE’s Gender Equality Index, 2020, Cyprus, p. 2, which indicates that Cyprus ranks 21st in the EU on the Gender Equality Index. Since 2010, Cyprus’s score has increased by 7.9, making slightly faster progress towards gender equality than other member states.

European Convention on Human Rights as well as the list contained in its Protocol No. 12<sup>15</sup> and, in addition, includes the grounds of gender, sexual orientation, gender identity, age, state of health, disability, marital status, and migrant or refugee status or other status. This obligation stems from the realisation that discrimination of certain groups of women, for example at the hands of law-enforcement agencies, the judiciary or service providers, is still widespread.<sup>16</sup>

12. GREVIO observes that thus far, no specific research has been commissioned on gender-based violence experienced by women exposed to or at risk of intersectional discrimination, nor have relevant statistics been collected, thus impeding a full appraisal of the incidence and magnitude of the problem. Nonetheless, information shared by women's rights organisations consistently shows that certain categories of women are at a higher risk of experiencing gender-based violence due to discrimination they are likely to experience on multiple grounds and/or face specific obstacles in accessing the support services and protection that they need. These categories include women domestic workers, asylum-seeking and/or migrant women, women with disabilities and women who live outside of Nicosia.

13. GREVIO welcomes the inclusion in the 2021 VAW law of a dedicated provision which transposes almost literally the principles provided under Article 4 of the convention. Notably, Article 4 of the 2021 VAW law states that its provisions and the measures for the protection and promotion of the rights of victims of violence against women and domestic violence shall be enforced without discrimination on any ground.

14. GREVIO further welcomes the incorporation in the 2019-2023 Gender Equality NAP of specific actions with regard to vulnerable groups of women, including: the commissioning of research into the needs and the discrimination experienced by these groups of women; the type of treatment afforded to them by state institutions; and the accessibility of free and/or affordable legal services. Moreover, it includes specific actions aimed at improving their access to health and social welfare services, including through research on the accessibility of these services and by taking specific measures to remove barriers faced by such women in accessing them. GREVIO notes, however, that in the period under review these measures had not yet been implemented. It further highlights that the section of the Gender Equality NAP which focuses on combating gender-based violence does not address or foresee specific measures with regard to the specific difficulties experienced by such groups. GREVIO further notes that other relevant policies that touch upon violence against women equally do not specifically foresee dedicated measures for women who are or may be exposed to multiple forms of discrimination.<sup>17</sup>

15. As regards more specifically women domestic workers, GREVIO's attention has been drawn to the high precariousness and vulnerability of this category of women in Cyprus. Domestic workers' residence status is in fact directly linked to their work permit, with the law providing a delay of one month to find alternative lawful employment and retain their residence permit. Under the applicable law, an employment contract can be terminated in different ways, including, *inter alia*, (a) through the signing by both parties of a "release document"; and (b) by giving the other party one month's notice.<sup>18</sup> However, GREVIO has been informed by members of civil society that, in practice, to obtain new employment a "release document" is generally required. GREVIO's exchanges with civil society highlighted that the elevated dependence of domestic workers on their employers to remain in the country exposes them to a higher risk of gender-based violence. As a result, due to such dependence, domestic workers who are victims of gender-based violence perpetrated by their employers are extremely reluctant to report the violence they experience out of fear that such reporting will not be taken seriously by the police, that the employer will refuse to issue a release document allowing them to secure safer employment and, ultimately, that they will lose their residence permit.

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15. The discrimination grounds in question include sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

16. See paragraphs 52-54 of the Explanatory Report.

17. See Chapter II, Comprehensive and co-ordinated policies.

18. Once again, also in this case, the domestic worker has one month to find employment.

16. GREVIO's attention has been drawn to the accrued risk of migrant and asylum-seeking women being victims of sexual violence and rape. GREVIO was, in fact, informed by civil society of many instances in which landlords exploit the precarious situation of asylum-seeking women and their desperate need for lodgings to subject them to sexual violence.<sup>19</sup> Moreover, asylum-seeking and migrant women face difficulties in reporting gender-based violence and in obtaining both general and specialised support services. GREVIO has been informed of examples of a lack of responsiveness by the police as well as the welfare services to reports of gender-based violence lodged by asylum-seeking women and migrants, which have even led to fatal consequences. Such lack of due diligence on the part of the authorities would appear to be linked, on the one hand, to deeply rooted prejudices, including that such allegations are a ruse to obtain refugee status. On the other hand, the police's unresponsiveness has also been attributed to the use of needlessly time-consuming bureaucratic procedures, such as the requirement of a written affidavit and a sworn translation to register the complaint.<sup>20</sup> GREVIO's attention has further been drawn to the high incidence of gender-based violence in the Pournara reception centre due to overcrowding, lack of security and lack of privacy. Moreover, difficulties in accessing social welfare services have also been highlighted, caused by understaffing of the social welfare services, the extremely limited opening hours of the closest welfare offices and other logistical obstacles. These stumbling blocks directly impact asylum-seeking and migrant women's access to specialised support services such as those provided by the Women's House and/or shelters, as a referral from the welfare services/or the police is always a prerequisite.

17. As regards the protection afforded to women victims of gender-based violence with a disability, GREVIO notes that there are no specific legal or policy measures on preventing and combating violence against women for this category of women nor are they foreseen in a dedicated action plan. Finally, GREVIO would like to highlight that currently the Women's House, that is, the principal specialist support service provider for victims of violence against women, only operates in Nicosia. While it appears that in practice the Women's House does accept the referral of victims who reside in other parts of the country, social welfare services that are not based in Nicosia do not always make the necessary referrals.<sup>21</sup> GREVIO is therefore concerned that the level of support provided to victims of gender-based violence highly depends on whether or not they live in Nicosia, which runs counter to Article 4 of the convention.

18. **GREVIO strongly encourages the Cypriot authorities to:**

- a. **take measures to ensure that the provisions of the Istanbul Convention are implemented without discrimination on any of the grounds listed in Article 4, paragraph 3, including on the basis of place of residence, when it comes to ensuring access to specialised support services;**
- b. **integrate the perspectives and needs of women who are or may be exposed to or at risk of intersectional discrimination, such as domestic workers, asylum-seeking and/or migrant women and women with disabilities, into the design, implementation, monitoring and evaluation of comprehensive and co-ordinated policies for preventing and combating violence against women, in partnership with the women's rights organisations concerned, so as to overcome the specific obstacles experienced by these groups;**
- c. **develop and improve accessibility to protection and support services, including social welfare services, the Women's House and shelters for asylum-seeking and/or migrant women, including domestic workers.**

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19. See Chapter VII, Gender-based asylum claims.

20. GREVIO was informed of one tragic incident involving a migrant woman who was a victim of gender-based violence. The victim attempted to lodge a formal complaint at the police station, however the complaint was not registered and protection was not afforded to the victim because there was no possibility to obtain a sworn translation and because medical proof had not been produced. The woman was subsequently killed by the perpetrator.

21. Information obtained during the evaluation visit.

**D. State obligations and due diligence (Article 5)**

19. Aspects of the implementation of Article 5 of the convention are covered in Chapters V and VI of this report.

## **II. Integrated policies and data collection**

20. Chapter II of the Istanbul Convention sets out the core requirement for a holistic response to violence against women: the need for state-wide effective, comprehensive and co-ordinated policies sustained by the necessary institutional, financial and organisational structures.

### **A. Comprehensive and co-ordinated policies (Article 7)**

21. Article 7 of the Istanbul Convention requires states parties to ensure that co-ordinated and comprehensive measures to prevent and combat violence against women address all forms of violence against women.

22. Prior to the ratification of the Istanbul Convention and its entry into force in Cyprus in 2018, policies in Cyprus had primarily focused on domestic violence through successive domestic violence national action plans (“DV NAPs”, the last one covering the period 2017 to 2019).<sup>22</sup>

23. Despite an obligation laid out under Articles 38 and 41 of the 2021 VAW law to develop a national action plan on violence against women, GREVIO notes that to date, no such plan or policy has been developed in Cyprus. Nevertheless, GREVIO was informed by the authorities that the national co-ordinating body was in the process of drafting the first National Strategy and National Action Plan for the Prevention and Combating of Violence against Women in late 2022, which GREVIO welcomes. Currently, preventing and combating gender-based violence is addressed through selected measures in the context, and as one of the objectives, of the 2019-2023 Gender Equality NAP. It includes as intermediate objectives, for example, the harmonisation of the national legal framework with the Istanbul Convention, including the setting up of a national co-ordinating body, which was recently ensured and which GREVIO welcomes, as well as the creation of a single database on violence against women and the criminalisation of all forms of violence against women. It also foresees the preparation of a new NAP specific to domestic violence, the creation of two new shelters, the setting up of the Women’s House, the running of the telephone helpline, increased training of professionals and a survey on victimisation. Last, it foresees under a separate intermediate objective the combating of sexual harassment in the workplace, including through training and the adoption of a code of conduct on preventing and combating sexual harassment and harassment in the public sector.<sup>23</sup>

24. While many of the measures foreseen under this NAP address a number of structural issues in the areas of prevention, protection and prosecution with regard to violence against women and thus appear comprehensive, from its practical implementation it appears to focus primarily on domestic violence, overlooking other harmful forms of violence against women such as rape, sexual violence, sexual harassment outside of the work context, stalking outside of the intimate partner context, FGM, forced marriage, forced sterilisation and abortion. For example, the significant migrant population in Cyprus, including from countries in which FGM and/or forced marriage is practised would, in GREVIO’s view, warrant addressing explicitly the prevention and the provision of support to victims of these forms of violence against women in policies and through dedicated measures. No specific policy documents seem to address this form of violence in a comprehensive manner, including those referred to below.

25. The National Strategy on Sexual and Reproductive Health covering the period 2018-2025 with a focus on children and young adults between the age of 15 to 29 does mention FGM in its introductory paragraphs but does not offer any specific measures to be taken. This is also the case

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22. Under the 2017-2019 DV NAP some important measures were planned and implemented, including the passing of the 2021 VAW law, the preparatory work for the setting up of the Women’s House, the adoption of a risk-assessment protocol for the police to apply to cases of domestic violence and strengthening education in the area of sexual and reproductive health and gender equality. Other foreseen measures, however, were not put into effect, including interdepartmental training for frontline professionals who come into contact with victims/perpetrators of domestic violence, the adoption of a multi-agency risk-assessment mechanism to assess and manage individual cases of domestic violence and the creation of a database for recording cases of domestic violence.

23. See, in this respect, Chapter I, Scope of application of the convention and definitions.

for sexual violence: prevention and case management are referred to without listing specific measures to be taken to ensure a holistic and victim-centred response to rape and sexual violence. Moreover, GREVIO notes that to date no specific measures appear to have been taken to implement this strategy.

26. Another policy document that touches upon violence against women and gender equality is the 2021-2025 National Action Plan for the implementation of UN Security Council Resolution 1325.<sup>24</sup> GREVIO welcomes the acknowledgement made by this policy that Cypriot women were victims of sexual violence and rape, used as a weapon of war during the conflict in 1974.<sup>25</sup> The above-mentioned policy document calls, *inter alia*, for the protection of women and girls from gender-based violence and sexual exploitation in situations of conflict, including in emergencies and in refugee reception centres;<sup>26</sup> the setting up of psychological support for women who have experienced violence against women in connection with the conflict in 1974;<sup>27</sup> and a greater involvement of men in raising awareness of violence against women. GREVIO notes that it does not, however, plan any measures to quantify and assess the number of victims of conflict-related sexual violence<sup>28</sup> resulting from the 1974 conflict and/or the number of those victims currently residing in the territory controlled by the Republic of Cyprus. Likewise, it does not formulate measures to comprehensively address and counter the social stigma experienced specifically by this category of women, nor recognise, eventually compensate them or set up specific support services, beyond psychological support, for these victims.<sup>29</sup> In terms of implementation, the authorities have informed GREVIO that a small but non-representative list of victims of conflict-related sexual violence resulting from the 1974 conflict has been drawn up and that these victims receive a monthly pension. GREVIO notes that beyond the above-mentioned action, other than some measures taken with regard to reception conditions in the refugee reception centre, no specific measures appear to have been implemented in the areas of interest of the Istanbul Convention.

27. In the area of education, the 2018-2020 Ministry of Education's Action Plan for Gender Equality also addresses some aspects related to the convention and foresees measures in the field of gender equality that have been included and further advanced by the 2019-2022 Gender Equality NAP. Worthy of note are also the sector-specific policy documents such as the anti-racist policy Code of Conduct against Racism and Guide for Managing and Reporting Racist Incidents, which, *inter alia*, addresses sexism and violence against women and girls, and the Strategy on the Prevention of School Violence.<sup>30</sup>

24. UN Resolution 1325, adopted by the UN Security Council in 2000, highlights the disproportionate and negative impact of war and conflict on women and girls as well as of sexual violence and gender-based violence and recognises the role of women in prevention and in resolution processes, and in maintaining and rebuilding peace.

25. See the 2021-2025 National Action Plan for the implementation of UN Security Council Resolution 1325, section 1.1.

26. In this last respect, it foresees the strengthening and improvement of the Pournara reception centre, including the provision of more adequate accommodation (the creation of a separate area for unaccompanied minors); and the introduction of a procedure to identify vulnerable groups such as women victims of gender-based violence.

27. See the 2021-2025 National Action Plan for the implementation of UN Security Council Resolution 1325, section 3.3.

28. See Conflict-related sexual violence, Report of the United Nations Secretary-General, 3 June 2020, p. 3, which uses the term to refer to rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilisation, forced marriage and any other form of sexual violence of comparable gravity perpetrated against women, men, girls or boys that is directly or indirectly linked to a conflict. That link may be evident in the profile of the perpetrator, who is often affiliated with a state or non-state armed group, which includes terrorist entities; the profile of the victim, who is frequently an actual or perceived member of a political, ethnic or religious minority group or targeted on the basis of actual or perceived sexual orientation or gender identity; the climate of impunity, which is generally associated with state collapse, cross-border consequences such as displacement or trafficking, and/or violations of a ceasefire agreement. The term also encompasses trafficking in persons for the purpose of sexual violence or exploitation, when committed in situations of conflict. See also UN Security Council Resolution 1888(2009), S/RES/1888(2009), p. 3, paragraph 1.

29. See, in this respect, "Gendering the Law of Occupation: The Case of Cyprus", Fionnuala Ni Aolain, 2018, University of Minnesota Law School, p. 126, highlighting that "there currently are no comprehensive statistics available on the total number of victims" and that "there are challenges in tracing women who scattered during the invasion and remained in the various parts of the south of the island thereafter".

30. See Chapter III, Article 14, Education.

28. GREVIO notes that the last two above-mentioned policy documents, as well as others mentioned in this section,<sup>31</sup> do not seem to be coherently interlinked with the efforts made under the VAW law, thus raising questions about the comprehensiveness and co-ordination of state-wide policies on violence against women. In sum, GREVIO considers that the intended approach of the VAW law to offer comprehensive policies on the various forms of violence against women covered by the Istanbul Convention has yet to translate into concrete policy action. GREVIO therefore points to the urgent need to develop a central policy document, on the basis of the VAW law, which would offer a holistic response to all forms of violence against women covered by the Istanbul Convention, would place the victim at the centre of all measures and would be implemented by way of effective co-operation between all relevant agencies and institutions.

29. Indeed, while multi-agency co-operation between all relevant statutory agencies and providers of specialist support services, a key element of Article 7, has been made a central objective of the newly created co-ordinating body and has been embedded in various provisions of the 2021 VAW law,<sup>32</sup> the absence of a holistic policy on violence against women hinders its practical realisation. A central policy document on violence against women would therefore enable the Cypriot authorities to ensure, in practice, greater levels of co-ordination in the implementation of a national response to the different forms of violence.

30. The absence of such effective co-ordination manifested itself during the Covid-19 pandemic. With the onset of the 2020 lockdown to rein in the spread of the virus, the Commissioner of Gender Equality launched a campaign to raise victims' and society's awareness of the importance of reporting cases of domestic violence and of the availability of support services, but no action or targeted messages were spread regarding other forms of violence, for example sexual violence and digital manifestations of violence against women. Moreover, the additional resources made available to NGOs providing support services did not suffice.<sup>33</sup>

31. When it comes to the evaluation of policies, while the implementation of the NAPs on domestic violence appears to have been, to some extent, evaluated, an evaluation of other relevant policies in the area of gender-based violence does not appear to have been carried out systematically.

**32. GREVIO strongly encourages the Cypriot authorities to develop dedicated long-term and co-ordinated policies on all forms of violence covered by the Istanbul Convention, including rape, sexual violence, sexual harassment, stalking, female genital mutilation, forced marriage, forced sterilisation and abortion, and domestic violence, on the basis of the principles and definitions set out in the Istanbul Convention. Such efforts should be supported by the allocation of adequate financial resources and the systematic evaluation of the efficacy of the policies in place.**

**33. GREVIO further strongly encourages the Cypriot authorities to ensure that its policies assess the number of victims of conflict-related sexual violence resulting from the 1974 conflict and/or the number of those victims currently residing in the territory controlled by the Republic of Cyprus; and take measures to comprehensively address and counter the social stigma experienced by this category of victims.**

## **B. Financial resources (Article 8)**

34. Article 8 of the convention aims to ensure the allocation of appropriate financial and human resources for the implementation of integrated policies, measures and programmes aimed at combating and preventing violence against women carried out by public authorities and civil society.

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31. Notably, the 2021-2025 National Action Plan for the implementation of UN Security Council Resolution 1325 and the National Strategy on Sexual and Reproductive Health covering the period 2018-2025.

32. See Chapter II, Co-ordinating body (Article 10), and Chapter IV, General obligations.

33. By way of example, GREVIO was informed by civil society that the telephone helpline run by APHVF did not have the resources to meet the surge in the number of telephone calls received during the lockdown and that, as a result, many calls for help went unanswered.

GREVIO notes that the overall amounts allocated to preventing and combating violence against women in Cyprus is difficult to identify due to the absence of a clear budget and funding lines for the relevant policies and measures. Indeed, the state report submitted by Cyprus pursuant to Article 68, paragraph 1, of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (hereafter, the “state report”) clarifies that the policies referred to in Article 7 of this report, including the 2019-2023 Gender Equality NAP, do not benefit from dedicated funds and are financed within the budgets of the implementing ministries. GREVIO welcomes the recent adoption of plans aimed at introducing gender budgeting in public institutions, which it considers important to pursue.

35. Although the overall amounts allocated to preventing and combating violence against women are difficult to identify, there nonetheless appears to be a mismatch between the total amount of funding for policies in the area of violence against women as described in the paragraphs below and the estimated total annual costs needed for Cyprus to prevent/provide support to victims. More specifically, while reports suggest that the estimated total annual costs of intimate partner violence (against women) alone in Cyprus could amount to around €186 million per year,<sup>34</sup> the total sum disbursed by the Cypriot Government to finance state bodies and women’s rights organisations is largely below this figure. The insufficiency of the budget to prevent and combat domestic violence is equally one of the conclusions of the 2017-2019 DV NAP evaluation report. From the foregoing, it is therefore possible to deduce that the allocation of financial resources for the implementation of integrated measures and policies on all forms of violence against women is significantly insufficient.

36. Nonetheless, the state report specifies that the authorities finance a number of government-appointed bodies and civil society organisations which are active in the area of gender-based violence against women and which, therefore, implement the above-mentioned policies.<sup>35</sup> The government-appointed bodies include the Advisory Committee for Preventing and Combating Violence in the Family, responsible, *inter alia*, for the implementation of the VF law and for the co-ordination of the establishment of the Women’s House,<sup>36</sup> which received in 2019 around €68 000; and the NMWR, whose mandate focuses on gender equality and which was allocated a budget of €500 000 in 2020, which rose to €520 000 in 2022.

37. As regards the funding of women’s rights organisations, the principal women’s rights organisation providing support services to victims of domestic violence and, to a lesser extent, to some other forms of gender-based violence, is the Association for the Prevention and Handling of Violence in the Family (APHVF). Through a public tendering procedure, the APHVF has been entrusted with the management of the Women’s House,<sup>37</sup> whose funding is fully covered by the state and amounted to €197 000 in 2020. GREVIO notes in this respect, however, that such funding has been provided for a two-year period and that it is therefore unclear whether sustainable funding will be provided thereafter. In addition, APHVF is also responsible for the running of other vital support services, including three shelters, a telephone helpline and a perpetrator programme which are, however, only partially state-funded (up to 50%).<sup>38</sup> GREVIO has been informed that APHVF strives to supplement its budget through donations and by requesting an advance on the state grant for the following year but that the insufficient funding renders the running of the support services challenging. GREVIO observes in this respect that the support services have no equal in the country and that their funding should therefore be ensured by the state in a sustainable manner, while clearly underscoring the importance that they be provided and managed by experienced staff of a women’s rights organisation with in-depth knowledge of gender-based violence.

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34. See EIGE, Combating violence against women, CYPRUS, p. 1 available at [www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwi3xsvGrbH3AhXHiv0HHVVCBRIQFnoECA0QAQ&url=https%3A%2F%2Ffeige.europa.eu%2Fsites%2Fdefault%2Ffiles%2Fdocuments%2Fmh0116746enn.pdf&usg=AOvVaw3EteYp3FqpBWVNe7VnvTYC](http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwi3xsvGrbH3AhXHiv0HHVVCBRIQFnoECA0QAQ&url=https%3A%2F%2Ffeige.europa.eu%2Fsites%2Fdefault%2Ffiles%2Fdocuments%2Fmh0116746enn.pdf&usg=AOvVaw3EteYp3FqpBWVNe7VnvTYC).

35. See the state report, Appendix 2, Table 2.1, p. 59.

36. See, in this respect, Chapter II, Co-ordinating body.

37. For a description of the Women’s House, see Chapter I, Scope of the application of the convention and definitions and Chapter IV, Specialist support services.

38. In 2020 APHVF received €190 000 for the running of the telephone helpline, €350 000 for the running of three shelters and €25 000 for the running of the perpetrator programme, totalling around €565 000.



38. When it comes to other women's rights organisations which promote gender equality and whose work encompasses the prevention and the combating of violence against women, these NGOs can receive funding from the NMWR, through three main types of grants. The first one is an annual grant of up to €15 000 for all member organisations of the Council of the NMWR;<sup>39</sup> the second is an annual grant of up to €8 000 for non-members of the Council of the NMWR whose mandate addresses equality between men and women; and the third is a grant of a maximum of €5 000 for any member of the NMWR or any other body or natural person whose proposed activity is in line with and implements policies in the area of gender equality. More generally, GREVIO observes that while procedures are in place to allow NGOs specialised in the area of violence against women to compete and receive state funding, GREVIO's attention has been drawn to the insufficiency of such funding which, according to civil society, makes the competition for such sums not worthwhile. Moreover, the allocation of such funds appears to be project based, not allowing therefore civil society to plan their work in a sustainable manner.

39. **GREVIO strongly encourages the Cypriot authorities to:**

- a. **increase the financial resources allocated to preventing and combating all forms of violence against women and provide dedicated, sufficient and sustainable funding lines for programmes and policies in this area;**
- b. **pursue and step up efforts to implement gender-responsive budgeting so as to be able to allocate appropriate funding and to monitor public spending;**
- c. **provide greater support for the work of women's organisations specialised in preventing and combating violence against women, by providing them with sufficient and sustainable funding that is commensurate with their estimated needs, through transparent and accountable public procedures.**

### **C. Non-governmental organisations and civil society (Article 9)**

40. Cyprus benefits from a network of women's rights organisations that play a vital and irreplaceable role in operating specialist support services for women victims of domestic violence and, to a lesser extent, for victims of some other forms of violence. As mentioned in the analysis under Article 8 of this report, the principal NGO providing support services for victims of domestic violence is APHVF. Numerous other NGOs, however, play an important role in the area of gender-based violence and contribute to its prevention and fight through advocacy, awareness raising, training and the provision of legal advice and/or assistance to victims. Based on a victim-centred approach, they offer services that are essential and that are currently not provided by the state. As such, GREVIO underscores the importance of ensuring that such women's rights organisations are adequately supported.

41. GREVIO notes that the Cypriot authorities do acknowledge the important contribution that these organisations make in the area of violence against women and that consultation processes with civil society organisations exist in the formulation of policies. In particular, NGOs are represented on the Advisory Committee for the Prevention and Combating of Violence in the Family (ACPCVF) and the NMWR and therefore are consulted by the authorities in those forums. Nonetheless, GREVIO's attention was drawn to the fact that such consultation tends to be limited to those NGOs that are represented in these bodies, leaving out other NGOs which are active in the area of violence against women. Moreover, such consultation is perceived by civil society as being carried out in a superficial and non-timely manner, leading to NGO proposals sometimes having little to no prospect of being taken on board.<sup>40</sup> This is of concern to GREVIO and is exacerbated by lack of transparent criteria for membership of the NMWR. GREVIO's attention has been drawn to the fact that the Council of the NMWR is composed of its foundational members, that membership criteria are not clear and that there have been rejections of membership requests without further explanations.<sup>41</sup> As the most consistent funding sources for women's rights organisations mainly stem

39. See Chapter I, Fundamental rights, equality and non-discrimination.

40. See the NGO submission by the Mediterranean Institute of Gender Studies (MIGS), September 2021, p. 9.

41. Information provided during the visit.

from membership of the Council of the MNWR, criteria for its membership should be clearer and more transparent. Moreover, the insufficient and unstable funding of women's NGOs providing vital support services renders the full involvement of NGOs in policy development and service provision more volatile.

**42. GREVIO encourages the Cypriot authorities to ensure effective co-operation with NGOs and civil society organisations in policy making, notably in the development of central policy documents such as national strategies or action plans on violence against women and domestic violence in order to make use of their knowledge in their respective fields of expertise. GREVIO further encourages the Cypriot authorities to ensure that the criteria for NGO membership of the Council of the National Mechanism for Women's Rights are clear and more transparent.**

#### **D. Co-ordinating body (Article 10)**

43. Article 10 of the convention sets out the obligation to designate one or more official government bodies to co-ordinate, implement, monitor and evaluate policies and measures to prevent and combat all forms of violence covered by the scope of the convention. These bodies should also be responsible for the co-ordination and the collection of data and for analysing and disseminating their results.

44. Article 39 of the 2021 VAW law provides for the setting up of a national co-ordinating body for the Prevention and Combating of Violence against Women. This provision clarifies that the co-ordinating body shall be accountable to the Minister of Justice, who retains full responsibility for policies in the area of violence against women. Under the 2021 VAW law, the mandate of the co-ordinating body encompasses the co-ordination, implementation, monitoring and evaluation of policies and measures for the prevention and combating of all forms of violence and includes, for example, the promotion of protocols of co-operation between state bodies and civil society; co-operation with civil society and women's rights organisations; and the co-ordination of the collection, processing, analysis and dissemination of data at regular intervals in relation to all forms of violence against women. As regards its composition, it includes one chairperson and 11 members appointed by the Council of Ministers for a term of three years (renewable once), including one representative from the relevant competent ministries/offices,<sup>42</sup> one representative from the NMWR and from the Advisory Committee for the Prevention and Combating of Violence in the Family (ACPCVF) and, alternatively, two members from NGOs and/or professional associations with a background in mental health or social work. The law also specifies that the chairperson and the members shall be appointed based on their training in and/or experience of violence against women and domestic violence. Finally, Article 42 of the 2021 VAW law states that the co-ordinating body may use personnel from the public sector or may hire personnel through an external procedure. It further specifies that its offices and equipment may be provided by the Ministry of Justice.

45. GREVIO greatly welcomes the setting up, on 3 March 2022, of the national co-ordinating body for the Prevention and Combating of Violence against Women, shortly prior to the GREVIO baseline evaluation visit. GREVIO positively notes that the co-ordinating body is a fully institutionalised body that has been allocated a dedicated budget by the Ministry of Justice of €100 000 in 2022 and € 190 000 in 2023 and that it is run by two full-time staff. GREVIO underlines that this represents a promising step in the right direction which will improve and foster co-ordination between the relevant stakeholders in this area and tackle the fragmented approach which in the past seemed to prevail.<sup>43</sup>

46. In order to ensure full compliance with the standards of the convention, GREVIO draws the authorities' attention to some aspects that could, nonetheless, be improved. GREVIO notes that while the co-ordinating body is clearly mandated with the co-ordination, implementation, monitoring

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42. Including from the Law Office of the Republic of Cyprus, the Ministry of Justice, Ministry of Health, Ministry of Education, Culture, Sports and Youth, Ministry of Interior, the police and the social welfare services.

43. See, in this respect, the paragraphs below in this section and Chapter II, Comprehensive and Co-ordinated policies.

and evaluation of violence against women policies, at the same time the 2021 VAW law also unequivocally states that it is the Ministry of Justice that is ultimately responsible for such policies. This bears the risk of duplication of efforts and may hamper the co-ordinating body from gaining recognition and support from other relevant government agencies.

47. As regards the co-ordinating body's staffing and resources, GREVIO observes that while it is perhaps too early to assess their adequacy, it considers that in due time the authorities will need to critically review this aspect, especially in the light of the ample competences assigned to this body. GREVIO further notes that under the 2021 VAW law, the co-ordinating body is responsible for the co-ordination, implementation and evaluation of policies on violence against women. GREVIO notes that under Article 10 of the convention, the evaluation function is to be understood as implying an independent and scientific assessment, based on robust data, of policies and measures. Bodies that are responsible for the evaluation of policies should therefore be institutionally independent and separate from those that co-ordinate/implement and monitor policies on violence against women, so as to endure the needed objectivity.

48. GREVIO further welcomes the diverse membership of the newly established co-ordinating body, which includes representatives of the NMWR, the ACPCVF and two NGOs. It notes, however, that under Article 39 of the 2021 VAW law, the NGO representatives may be replaced with professionals from associations with a background in mental health or social work. It underlines, therefore, the importance of paying due attention to and ensuring sufficient regular consultative processes between the co-ordinating body and the NGO sector.

49. In addition to the newly appointed co-ordinating body, the ACPCVF plays a central role in the area of domestic violence. This body was set up in 1996 under the 1994 Law on Family Violence, which was abrogated and replaced by the 2000 VF law, as later amended in 2004. Under Article 7 of the VF law, the ACPCVF is tasked with the monitoring of the implementation of the VF law, raising awareness among professionals and the public, carrying out research, encouraging the strengthening of interdepartmental co-operation, evaluating existing services and providing training to relevant professionals. More recently, it has also been entrusted by the Council of Ministers with the co-ordination and setting up of the Women's House. Article 7 of the VF law further specifies that the ACPCVF shall consist of no more than 11 persons from the public and private sector, including members of associations or organisations that are active in the area of domestic violence, appointed by the Council of Ministers.

50. According to the state report, prior to the setting up of the national co-ordinating body, the ACPCVF was the body responsible for the co-ordination, implementation and evaluation of policies and measures in the area of domestic violence. Civil society has, however, raised GREVIO's attention to the fact that this body only has an advisory role and that it lacks the financial and human resources to fully carry out the role as provided by the law.<sup>44</sup> Moreover, it has underscored the insufficient co-ordination and co-operation that has characterised thus far actions in the area of domestic violence and, more generally, gender-based violence against women.<sup>45</sup> This has also been underlined in the conclusions of the evaluation report on the 2017-2019 DV NAP.<sup>46</sup> GREVIO therefore is hopeful that the establishment of the newly appointed co-ordinating body will remedy this specific shortcoming, while at the same time drawing the authorities' attention to the importance of avoiding overlaps between the mandates and the action of this body and that of the ACPCVF.

51. Finally, GREVIO is not aware whether and to what extent the newly appointed co-ordinating body will also be responsible for the co-ordination of measures taken to implement other strategies and action plans that touch upon violence against women, for example those under the National Strategy on Sexual and Reproductive Health and the 2021-2025 National Action Plan for the implementation of UN Security Council Resolution 1325. It observes, in this respect that overall

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44. See the NGO submission from MIGS, p. 10.

45. See the NGO submission from MIGS, pp. 10 and 16.

46. See the Evaluation Report on the National Action Plan for the Prevention and Combating of Domestic Violence 2017-2019, Advisory Committee for the Prevention and Combating of Violence in the Family, p. 42.

co-ordination and consistency should be ensured also with respect to these policies, as well as any future, more comprehensive policy documents on violence against women.

**52. GREVIO strongly encourages the Cypriot authorities to:**

- a. ensure greater clarity concerning the powers and competences of the National Co-ordinating Body for the Prevention and Combating of Violence against Women and those of the Ministry of Justice;**
- b. ensure that the co-ordinating body is empowered to co-ordinate and implement all existing policies on violence against women, in close consultation with women's rights organisations, while avoiding any overlap with the functions of the Advisory Committee for the Prevention and Combating of Violence in the Family;**
- c. set up a separate body entrusted with the monitoring and evaluation of the relevant policies, in order to ensure objectivity in the evaluation;**
- d. critically review the adequacy of the current budget and resources allocated to the co-ordinating body and assess whether it ensures the sustainability of its work.**

**E. Data collection and research (Article 11)**

53. Preventing and combating violence against women and domestic violence requires evidence-based policy making. The collection of systematic and comparable data from all relevant administrative sources is crucial in this regard, as is information on the prevalence of all forms of violence against women.<sup>47</sup>

**1. Administrative data collection**

54. GREVIO welcomes the inclusion in the co-ordinating body's mandate, under the 2021 VAW law, of the responsibility to co-ordinate the collection, processing, analysis, dissemination and publication of statistical data in relation to all violence against women offences, including domestic violence. Nonetheless, GREVIO notes from the outset that Cyprus is currently strongly lagging in the area of data collection, as the data on violence against women currently being collected by the relevant stakeholders are scarce, disjointed and do not provide an overall picture of the incidence of domestic violence and other forms of violence against women, the support and protection provided to victims or the response of the relevant institutions. Indeed, while some limited data were communicated orally to GREVIO in the course of its evaluation visit, full statistics were not made available in the areas of law enforcement and the justice sector, healthcare, social services and asylum. Reports indicate that as early as 2016 the ACPCVF had submitted a proposal for a centralised and harmonised database on domestic violence.<sup>48</sup> Moreover, the creation of a centralised database on all forms of violence against women has been included in two successive NAPs on Gender Equality, including the current one, demonstrating an understanding of the urgency and the need for this measure. This notwithstanding, GREVIO notes that thus far no measure has been taken towards its implementation. GREVIO underlines, therefore, the importance for the judiciary, police, social welfare and healthcare services of setting up data systems that go beyond the internal recording needs of their respective agencies/services and, as a minimum, collect data on victims and perpetrators disaggregated by sex, age, type of violence, the relationship of the victim to the perpetrator and geographical location, as these data are essential for assessing the incidences of violence against women in the country and for analysing the response by the authorities and other relevant parties, and must be used to inform the relevant policies.

47. While this section discusses the main considerations related to data collection, Chapters V and VI also offer reflection on data related to specific criminal offences.

48. See the Evaluation Report on the National Action Plan for the Prevention and Combating of Domestic Violence 2017-2019, Advisory Committee for the Prevention and Combating of Violence in the family.

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**a. Law-enforcement agencies and the justice sector**

55. As regards the case-management systems of the police and the courts, these do not enable the tracking of cases of violence against women from reporting to conviction in relation to all forms of violence against women and do not allow an assessment of conviction, attrition and recidivism rates. GREVIO has been informed by the authorities that data are collected electronically by the police and are, to a certain extent, disaggregated. However, it could not verify whether such data concerned all forms of violence, including domestic violence, and to what extent the data are disaggregated by sex, age, type of violence, the relation of the perpetrator to the victim and geographical location. As regards the justice sector, the authorities have clarified that district courts do not have an electronic filing system and that, as a result, no official judicial data are available. Moreover, the data that are manually extracted and transmitted to the statistics office only concern the perpetrator, not the victim. Administrative data on emergency barring orders and protection orders, whether issued in civil and/or criminal proceedings, are also not available.

**b. Healthcare sector**

56. The authorities have informed GREVIO that data are available on the number of victims of domestic violence who have been assisted by mental health services. More generally, however, no data appear to be collected on the number of women and girls who seek help and contact the health sector with experiences of violence against women, including domestic violence.

**c. Social services**

57. The authorities have informed GREVIO that social welfare services collect data on domestic violence and disaggregate these data by geographical location, however, no specific statistics have been provided to GREVIO. More generally, GREVIO observes that full information on the number of women and girls who contact the social services for help due to experiences of all forms of violence against women, including domestic violence, broken down by the victims' sex, age and relationship with the alleged perpetrator, and the types of services that are provided, is not available.

**d. Data on the asylum procedure**

58. The Asylum Service in Cyprus collects data on the number of asylum applications, broken down by sex, number and year and indicating whether the applicants have recognised refugee status or have benefited from subsidiary protection. GREVIO therefore notes that Cyprus does not currently collect data of the number of asylum claims on the basis of gender-related persecution and the outcome of those claims.

59. **GREVIO urges the Cypriot authorities to ensure as a matter of priority the collection of systematic and comparable data on all forms of violence against women, from all relevant administrative sources, including the law-enforcement and justice sector, healthcare, social services, and asylum and specialist support service providers, disaggregated by sex, age, type of violence, the relationship of the victim to the perpetrator and geographical location, and to take decisive steps to implement its plan to establish a centralised database on all forms of violence against women. In particular, GREVIO urges the authorities to ensure that data in relation to all forms of violence covered by the Istanbul Convention are collected by the police, prosecutors and courts at all stages of the criminal justice process, from reporting to investigation, to the opening of criminal proceedings and to their outcome. Such data should be co-ordinated and comparable so that cases can be tracked at all stages of the law-enforcement and judicial proceedings. It further urges the authorities to collect data on:**

- a. **the number of emergency barring orders issued, the number of violations and the sanctions imposed;**
- b. **the number of protection orders issued (in criminal and civil proceedings), the number of violations and the sanctions imposed as a result of such violations;**
- c. **decisions on custody/visitation/residence concerning children that have expressly taken into account reports of domestic violence.**

## 2. Population-based surveys

60. Paragraph 2 of Article 11 of the Istanbul Convention details parties' obligation to conduct population-based surveys based on data that are statistically representative of the target population so that they can be easily generalised to the larger population. Parties are additionally obliged to conduct such surveys at regular intervals in order to make a pertinent and comparative assessment of the prevalence and the trends in all forms of violence covered by the scope of the convention by tracking developments longitudinally.<sup>49</sup>

61. The authorities have informed GREVIO that no nationwide population-based surveys have been conducted on the various forms of violence against women on a national basis in the period under review of the GREVIO baseline evaluation. Nonetheless, GREVIO notes that in 2012 the ACPCVF conducted the first nationwide survey on the extent, frequency, forms and consequences of domestic violence against women in Cyprus.

**62. GREVIO encourages the Cypriot authorities to regularly to conduct population-based surveys on the various forms of violence against women covered by the Istanbul Convention.**

## 3. Research

63. Article 11, paragraph 1b, of the convention creates the obligation for parties to support research, out of the consideration that it is essential that parties base their policies and measures to prevent and combat all forms of violence covered by the convention on state-of-the-art research and knowledge in this field. As a key element of evidence-based policy making, research can contribute greatly to improving day-to-day, real-world responses to violence against women and domestic violence by the judiciary, support services and law-enforcement agencies.<sup>50</sup>

64. The information provided by the authorities and civil society is concordant in indicating that public funds have not been used to finance research on all forms of violence against women, including issues such as the effects on children of witnessing domestic violence, the specific experiences of women victims at risk of or exposed to intersectional discrimination or underlying gender stereotypes. Worthy of mention is the 2022 Report of the Commissioner for Children's Rights on the impact on children's rights of the measures adopted during the Covid-19 pandemic, which also touches upon the increase in the incidences of domestic violence, sexual violence and online forms of violence perpetrated against children, including girls.

65. Although evaluation reports on the implementation of some of the domestic violence and gender equality NAPs have been published, civil society has drawn GREVIO's attention to the insufficient evaluation of policies on violence against women, including as a result of inadequate indicators for their evaluation.

**66. GREVIO strongly encourages the Cypriot authorities to:**

- a. **address, through research, all forms of violence against women, including in relation to specific groups of victims who may be subjected to intersectional discrimination, such as women with disabilities, asylum-seeking/migrant women and domestic workers;**

49. Explanatory Report to the Istanbul Convention, paragraph 78.

50. Ibid., paragraph 77.

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- b. support research in order to study the effects on children of witnessing domestic violence;**
  - c. invest in the evaluation of existing policies, laws and practices to assess the level of implementation and of victim satisfaction with services provided, in close co-operation with specialist support services.**

### III. Prevention

67. This chapter contains a number of general and more specific obligations in the area of prevention. These include early preventive measures such as changing social and cultural patterns of behaviour of women and men, eradicating prejudices and gender stereotypes, and measures to involve all of society, including men and boys, in achieving gender equality and the prevention of violence against women. It also includes more specific preventive measures such as awareness raising and campaigning, ensuring the adequate training of all professionals, education in schools and other settings, and, last but not least, measures such as perpetrator programmes to prevent further victimisation.

#### A. General obligations (Article 12)

68. Article 12 delineates the fundamental foundations of the parties' duty to prevent violence against women. These include the parties' determination to promote changes in the social and cultural patterns of behaviour of women and men with a view to eradicating prejudices, customs, traditions and all other practices which are based on the idea of the inferiority of women or on stereotyped roles for women and men. Moreover, flowing from the premise that violence against women is a cause as much as a consequence of gender inequality, Article 12 requires further that parties adopt specific measures to empower women and to achieve greater gender equality in order to reduce women's vulnerability to violence.

69. Reports highlight the persistence in Cyprus of deeply rooted discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society, which undermine women's social status and educational and career prospects.<sup>51</sup> The continuing portrayal of women by media in a stereotyped manner, including when reporting on issues related to violence against women, has also been raised by civil society.<sup>52</sup> GREVIO notes that while the road ahead is still long, much has already been done at the legislative, policy and preventive level to address and surmount this problem.

70. First, as referred to previously in this report, GREVIO takes positive note of the fact that Cyprus was one of the first countries to have adopted, in 2020, a law on sexism to implement Recommendation CM/Rec(2019)1 of the Committee of Ministers to member States on preventing and combating sexism. The law on sexism criminalises sexism in all its forms in both public and private spheres, including online sexism,<sup>53</sup> and foresees the criminal liability of a legal person under certain conditions. The law acknowledges that sexism is a manifestation of historically unequal power relations between women and men, which ultimately leads to discrimination and impedes the full social development of women. It further highlights that sexism is associated with violence against women and girls and that everyday sexism represents a continuum of violence, which creates a climate of intimidation. Second, at the policy level the 2019-2023 Gender Equality NAP includes as a key priority the elimination of gender stereotypes and social prejudices through a number of planned actions, including but not limited to: a manual of gender mainstreaming in public policy and parallel training; the preparation of a manual on equal treatment for men and women in employment and parallel awareness raising in this respect; the raising of awareness among public officials of sexism; the dissemination of a guide to combat linguistic sexism and relevant training in this regard;

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51. See the Committee on the Elimination of Discrimination against Women, Concluding observations on the eighth periodic report of Cyprus, CEDAW/C/CYP/CO/8, 20 July 2018, p. 6.

52. See the NGO submission from MIGS, p. 15.

53. It defines sexism as "publicly or privately expressed sexist behaviour directed at a particular person or group of persons, consisting of an action, gesture, visual presentation, practice, written or oral expression based upon the idea or perception that a person or a group of persons is inferior because of their sex with the purpose of violating the rights of the victim or victims by insulting, diminishing and damaging their dignity, resulting in depriving their access to public services and in unequal access to resources; or resulting in physical, psychological or socio-economic harm to the victim or victims; or creating an intimidating, hostile, humiliating, abasing and offensive environment against the victim or victims; or promoting and reinforcing gender stereotypes and gender discrimination". It defines "online sexism", as the "registration in a computer system of electronic data which contain sexism, as this term is defined in this Law, and which is directed against a specific person or against a specific group of persons".



the adoption of a Code of Ethics by the Cyprus Radio Television Authority (CRTA) addressing sexism and its manifestations and the running of awareness-raising courses and training of media professionals in this respect;<sup>54</sup> and numerous measures in the area of education. GREVIO is aware that some of these measures have already been implemented, including, by way of example, the adoption of the Code of Ethics by the CRTA and the relative training. Likewise, several innovative initiatives have been spearheaded in the area of education, including the development of curriculums for schools aimed at combating gender stereotypes from an early age, addressing interpersonal relations and introducing family planning and sexual/reproductive health in the classroom, as well as promoting diversity and confronting prejudice.<sup>55</sup>

## **B. Awareness raising (Article 13)**

71. In July 2021, within the police sub-directorate that manages cases involving vulnerable persons, an education and awareness raising department was set up. Its work is aimed at raising public awareness, including on issues related to domestic violence and gender-based violence, which GREVIO welcomes. More generally, however, in Cyprus, awareness-raising efforts are primarily led by NGOs on a project basis through EU funds, sometimes in co-operation with the relevant ministries and the NMWR or, in some cases, have been initiated by equality bodies. GREVIO welcomes women's rights organisations' involvement in awareness-raising efforts but notes, however, that greater sustainability of awareness-raising campaigns should be ensured by the authorities through stable and dedicated state funding. On another point, while several of these awareness campaigns address gender-based violence and have, encouragingly, challenged gender stereotypes,<sup>56</sup> GREVIO notes that the attention appears to be primarily focused on domestic violence. Other forms of violence against women such as sexual violence, rape, stalking, FGM, forced abortion or forced sterilisation are not frequently or systematically addressed.<sup>57</sup> As regards in particular sexual violence and rape, GREVIO has been made aware of a few such campaigns, including the "Ending Sexual Harassment and Violence in Third Level Education" which raised awareness of the issue of consent, myths surrounding rape and the support available to victims, and the "Circle of Change: preventing and combating violence against women and girls through gender equality awareness", which included an awareness-raising media campaign component and training of frontline professionals, addressing both intimate partner violence and sexual violence. As regards FGM, other than a conference organised in 2018 by the Office of the Commissioner for Gender Equality in collaboration with the European Institute for Gender Equality (EIGE) on the FGM risk run by girls in Cyprus, no nationwide campaign or targeted information campaign for affected communities has been carried out.<sup>58</sup> GREVIO has also not been informed of any specific awareness-raising initiative targeting specifically vulnerable groups of women and girls and addressing their specific needs in relation to violence against women.

72. GREVIO is not aware of any evaluation carried out at the national level thus far to measure the impact that awareness-raising campaigns have had on how the Cypriot population perceive sexism, gender equality and gender-based violence.

**73. GREVIO encourages the Cypriot authorities to promote on a regular basis awareness-raising campaigns on the different manifestations of all forms of violence covered by the scope of the Istanbul Convention, beyond domestic violence. The Cypriot authorities should in particular:**

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54. See Chapter III, Participation of the private sector and media.

55. See in this respect Chapter III, Education.

56. For example, the "Gender-ED: Combating gender stereotypes in education and career guidance" project, implemented between 2016 and 2019, addressed and challenged the stereotyping of educational and career choices and promoted gender equality in education, training and career guidance. This was achieved, *inter alia*, by attracting women into male-dominated sectors and attracting men into female-dominated sectors by challenging stereotypical assumptions about the roles of women and men.

57. See the NGO submission from MIGS, p. 12.

58. See the NGO submission from MIGS and the End FGM Network, p. 4.

- a. ensure that sufficient and sustainable funding is made available for awareness-raising campaigns;
- b. ensure that targeted awareness-raising campaigns are run to address the specific needs of vulnerable groups of women and girls, including migrant/asylum-seeking women and women with disabilities;
- c. carry out research on the impact that awareness-raising campaigns have had on the Cypriot population and the way they perceive sexism, gender equality and gender-based violence.

### C. Education (Article 14)

74. Attitudes, convictions and behavioural patterns are shaped very early in life. Educational establishments have an important role to play in promoting equality between women and men and human rights. Article 14 therefore requires the design of teaching material that promotes equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships and the right to personal integrity and that informs learners of the different forms of gender-based violence against women.

75. GREVIO notes with satisfaction the enshrinement in the 2021 VAW law of the principles and obligations stemming from Article 14 of the convention. Under Article 48 of the 2021 VAW law, the Ministry of Education, Culture, Sport and Youth (hereafter the Ministry of Education) must ensure that the school curriculum or other educational activities impart knowledge about the prevention and combating of violence against women, gender equality and how to deconstruct gender stereotypes, non-violent conflict resolution in interpersonal relationships and the right to personal integrity to all pupils of primary and secondary education, adapted to their evolving capacity. In addition, it requires that sexism and sexuality education be addressed in the same manner. To this end, Article 48 further requires the Ministry of Education to ensure mandatory initial training of all educators on the above-mentioned topics, as well as in-service training for staff of the Ministry of Education and the Pedagogical Institute. Moreover, it equally foresees regular mandatory training of all educators on how to detect and identify all forms of violence against women, or, alternatively, the circulation of a booklet/leaflet/digital guide for the prevention of violence against women. Similar obligations are also foreseen for higher education establishments.

76. GREVIO equally welcomes the introduction in 2011 of the compulsory subject of health education for pupils of primary and secondary school which addresses equality between women and men, the deconstructing of gender stereotypes, sexuality education and violence against women, among other issues. An equally welcome development concerns the revision in recent years of the school curriculum with a view to eliminating gender stereotypes. In the same vein, since 2018 the Ministry of Education has implemented a policy aimed at eliminating sexist language in all documents of the public administration. GREVIO was also informed by the authorities that guidelines and training is provided to the those who teach health education. In this regard, the Ministry of Education has clarified that, between 2020 and 2021, 90 teachers participated in three training seminars on sexuality education for primary school, including on the issue of child sexual abuse. GREVIO notes, however, that educators do not benefit from initial mandatory training on the topics addressed under Article 14 of the convention and that in-service training is not mandatory.

77. In addition to the above, a wide array of education policies and measures have been driven by the Ministry of Education and the Pedagogical Institute with a view to deconstructing gender stereotypes, teaching and ensuring gender equality, and addressing gender-based violence. Among these is the Ministry of Education's 2018-2020 Strategic Planning on Equality between Men and Women which foresees a number of measures, including: the establishment and operation of an Inter-departmental Committee on Gender Equality with representatives from all departments within the Ministry of Education to co-ordinate actions related to gender equality at the level of administration, including the formulation of a three-year action plan (the Action Plan of the

Inter-departmental Committee on Gender Equality in Education 2018-2020);<sup>59</sup> the designation of one person from each higher education institution to set up a task force which promotes gender equality; the prevention and combating of child sexual abuse; the prevention and combating of violence in the school and domestic violence; the development of educational material addressing gender equality challenging gender stereotypes; the encouragement of higher education institutions to adopt an action plan for gender equality; the training of teachers on gender equality and sexuality education; and conferences and workshops for parents. GREVIO notes that these measures have also been included in the 2019-2023 Gender Equality NAP. Civil society has, however, drawn GREVIO's attention to the fact that the 2018-2020 Ministry of Education's Strategic Planning on Equality between Men and Women lacks quantitative and qualitative indicators, sufficient funding and an evaluation of its impact.<sup>60</sup>

78. Also worthy of note is the "Code of Conduct Against Racism and the Guide for Managing and Reporting Racist Incidents", which has been implemented in public primary and secondary schools by the Ministry of Education, with the support of the Pedagogical Institute, since 2014. Racism is therein defined and conceived as encompassing different types of discrimination and negative conduct, including homophobia, transphobia, bullying, gender stereotypes, sexism and violence against women. It provides schools and teachers with detailed guidance on how to deal with and prevent racist incidents and can be adapted to the specific needs of the school. The anti-racist policy also foresees the submission of an annual report of racist incidents, which in GREVIO's view provides precious data and insight capable of informing policies, including those related to gender-based violence.<sup>61</sup> With a view to better implementing the anti-racist policy, the Pedagogical Institute has provided a dedicated support helpline, an information leaflet for parents in seven languages, training and the creation of a "school network" of 32 schools, through which school representatives can exchange experiences about the implementation of the policy, which can be considered a very promising practice.

79. Another policy/measure that touches upon issues referred to in Article 14 of the convention and which GREVIO notes with satisfaction is the 2018-2022 National Strategy for the Prevention and Management of Violence at Schools and the activities of the Cyprus Observatory on School Violence (COSV). This strategy foresees in-service training, including on gender issues and violence, that is related to gender. COSV supports the strategy by providing training and guidance to schools, including through the dissemination of guidelines on how to handle conflicts or bullying in schools and the provision of educational material to assist teachers in imparting the competences needed to prevent and handle school violence. The topics touched upon in this educational material include anger management, empathy, social and communicative skills, tolerance, acceptance of diversity, conflict management and anti-bullying skills. COSV further collects data concerning good practices for the prevention of school violence, evaluates them and organises conferences in which best practices are presented, thereby giving them visibility.

80. GREVIO considers, on the whole, that decisive steps have been taken by the authorities to ensure that equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships and the right to personal integrity are taught at all levels of education. Nonetheless, according to civil society, gaps still persist. First, in practice, gender equality and the elimination of gender stereotypes are not addressed systematically in schools.

81. Second, as regards sexuality education, both civil society and the authorities have expressed a reservation about the comprehensiveness of the topic and its implementation in

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59. Some of the actions foreseen include the inclusion of non-sexist language in the communications from the Ministry of Education and the appointment of personnel at universities to promote gender equality.

60. See the NGO submission from MIGS, p. 14.

61. The authorities informed GREVIO that between 2020 and 2021 124 out of 475 schools in Cyprus submitted an annual report on racist incidents. Out of the 124 schools, 38 recorded 124 racist incidents, nine of which were related to gender. The annual report further specifies where the incidents took place (the majority of which took place in the school yard), whether the victims were students or teachers, who they were reported to and the measures taken as a result of the incidents.

practice.<sup>62</sup> More specifically, they have indicated that it is not sufficiently addressed, particularly in high schools, including as a result of parents' and society's prejudices. They have further indicated that much has been done by civil society to fill this gap through educational projects and awareness raising in schools, however, much more needs to be done on a systemic level. GREVIO recalls in this respect that education on sexuality can provide the means to address the right to personal integrity and the notion that sexual violence is based on the absence of freely given consent. Sexuality education for all boys and girls in schools is also essential to guarantee women's sexual and reproductive rights. The importance of comprehensive sexuality education for girls and boys, including the teaching of notions such as consent and personal boundaries, has been expressed by different intergovernmental organisations and bodies,<sup>63</sup> and Council of Europe Recommendation CM/Rec(2019)1 to member States on preventing and combating sexism calls for age-appropriate, evidence-based and scientifically accurate and comprehensive sex and sexuality education to be incorporated into school curriculums.<sup>64</sup> GREVIO notes with interest that discussions are underway in the Cypriot parliament to pass amendments to make sexuality education mandatory in primary and secondary schools.

82. Third, GREVIO further notes that more attention could be paid to imparting knowledge on all forms of violence against women (for example, FGM and forced marriage), adapted to the ages of the pupils. On another point, GREVIO has not been informed as to whether the principles enshrined in Article 14 of the convention are promoted in informal educational facilities as well as in sports, cultural and leisure facilities.

83. As regards the identification of potential victims of gender-based violence and domestic violence in educational establishments, under Article 35a of the VF law, any person who omits to report an offence of domestic violence of which/he is aware is penally liable. According to the authorities, the Ministry of Education has introduced in secondary schools a guide on how to identify and/or manage domestic violence incidents. Moreover, the Ministry of Education makes available material on its website on cases in which a teacher should refer a child to education psychological services and a manual has been issued providing guidance on cases where there is suspicion of domestic violence. Similarly, the authorities have informed GREVIO that in the context of the National Strategy against Sexual Abuse and Exploitation of Children, seminars have been organised and guidelines/a manual have been issued to educators on how to recognise and report incidents of sexual abuse. Nonetheless, it appears that no guidelines or training have been provided on how to recognise potential victims of FGM and/or forced marriage, which should be remedied.

84. **GREVIO encourages the Cypriot authorities to:**

- a. **strengthen efforts to ensure the practical implementation of the requirement to include in school curriculums or to otherwise impart knowledge on the elements listed in Article 14 of the Istanbul Convention. To this end, GREVIO encourages the Cypriot authorities to assess whether and to what extent the health education course is being implemented and whether, content-wise, there are any gaps that should be filled;**
- b. **strengthen mandatory initial and in-service training of educators responsible for teaching health education on the topics covered by Article 14 of the Istanbul Convention, particularly in relation to FGM and forced marriage, as well as to other teachers, with a view to enabling them to detect girls and boys at risk and to refer them to appropriate mechanisms for support and protection.**

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62. See the NGO submission from MIGS, p. 14.

63. "Comprehensive sexuality education" is defined notably by UNESCO's "International technical guidance on sexuality education. An evidence-informed approach" (2018) and the World Health Organization's Standards for Sexuality Education in Europe (2010). See also Resolution of the United Nations Human Rights Council, "Accelerating efforts to eliminate violence against women: engaging men and boys in preventing and responding to violence against all women and girls", adopted on 12 July 2017, A/HRC/ RES/35/10.

64. See Recommendation CM/Rec(2019)1 on preventing and combating sexism, section II.G.6.

#### **D. Training of professionals (Article 15)**

85. The standard set by the convention in its Article 15 is that of systematic initial and in-service training of the relevant professionals who deal with victims or perpetrators of all acts of violence. The training that is required must cover the prevention and detection of such violence, equality between women and men, the needs and rights of victims and the prevention of secondary victimisation.

86. GREVIO welcomes the inclusion, under Article 47 of the 2021 VAW law, of the obligation for all relevant administrations<sup>65</sup> to ensure regular training, as well as systematic, compulsory education and awareness raising of all staff who may come into contact with victims of violence against women and/or handle cases of violence against women. Such training must address the prevention and combating of violence against women, equality between women and men, the needs and rights of victims, the identification of victims and how to reduce recidivism. GREVIO further recalls the special training obligations also foreseen under Article 48 of the same law for education staff described earlier. While the codification of mandatory training is extremely important and Article 48 is clear in requiring mandatory initial training for all educators, Article 47 of the 2021 VAW law could benefit from such a specification as well. GREVIO observes, indeed, that while several frontline professionals who deal with cases of violence against women and come into contact with victims from different administrations have benefited from varying levels of in-service training in the period under review, initial training upon recruitment is carried out for a limited number of professionals, as will be seen below. In-service training on certain forms of violence against women has been provided to civil servants, social workers, the police, health professionals and educators, primarily through their respective administrations (the Cyprus Academy of Public Administration (CAPA), the Pedagogical Institute, social welfare services, the Police Academy) and NGOs. The latter were funded by the source administrations, primarily through EU projects or by the NMWR. Thus, one issue that has been raised by civil society is the insufficient funding of training and its lack of sustainability and the fact that it is not carried out systematically for all staff concerned.<sup>66</sup> Moreover, concern has been expressed about the fact that the CAPA, one of the main bodies responsible for training the public service, including on gender equality, lacks the needed funds and support from its line ministry, the Ministry of Finance, due to the economic crisis.

87. As regards, more specifically, training on violence against women for the police, the state report clarifies that the Police Academy provides mandatory initial training on violence against women and domestic violence to all police recruits, as well as mandatory in-service training.<sup>67</sup> Such training touches upon human rights, the investigation of cases of domestic violence, sexual harassment in the workplace and sexual violence, the rights, support and protection of victims of gender-based violence, interviewing techniques for child victims of sexual violence, risk-assessment tools and equality between women and men. Also of relevance is the in-service, project-funded training series entitled “Circle of Change, Preventing and Combating Violence Against Women and Girls through Gender Equality Awareness”, which aimed to change attitudes and prejudices surrounding violence against women and victims, combating victim-blaming and encouraging victims and witnesses to report violence to the relevant institutions. GREVIO welcomes the steps taken to train law-enforcement authorities on violence against women but notes that the training appears to focus on domestic violence and rape and that other forms of violence outside of the intimate partner context such as stalking, FGM or forced marriage receive no attention. Moreover, it observes that despite the current efforts, prejudices and patriarchal attitudes still seem to be rampant and have led to inaction by the police and, at times, tragic outcomes.<sup>68</sup> GREVIO notes with interest that, following GREVIO’s on-site evaluation in Cyprus, the police has developed an in-service training programme covering forms of violence against women such as stalking, FGM, forced marriage and digital forms of violence against women, while at the same time addressing stereotypes and patriarchal culture. The training is due to be carried out in late 2022. While welcoming this development, GREVIO

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65. Including the police, health, social welfare, justice, education, etc.

66. See the NGO submission from MIGS, p. 15.

67. See the state report, p. 17 and pp. 19-20.

68. See Chapter VI, Immediate response, prevention and protection, where examples are provided, including the murdering of a woman by her partner after several unsuccessful attempts to report intimate partner violence; and the police response to an allegation of a gang rape by a British young woman.

underlines the importance of ensuring that initial training equally cover such important forms of violence and topics.

88. When it comes to the training of prosecutors and judges, GREVIO is concerned about the lack of mandatory initial and in-service training, with a few sporadic training sessions being offered on a voluntary basis.<sup>69</sup> As described in Chapter VI, a milestone decision by the Supreme Court overturning the conviction in a British woman's rape trial, revealed a number of shortcomings with regard to the lack of sensitivity of judges and omissions made by the prosecution service leading to repeat victimisation of the victim. GREVIO's attention has also been drawn to concerns that some judges and prosecutors have displayed sexist and misogynist attitudes towards women victims of domestic violence and sexual violence/rape, downplaying the violence. Moreover, they appeared to have an inadequate understanding of the paradigmatic shift in proving rape since the amendment of the law and the importance of temporary protection orders in breaking the circle of violence.

89. As regards social workers, the authorities have informed GREVIO that they do receive mandatory initial and in-service training on violence against women. GREVIO notes that this training focuses primarily on domestic violence and that according to data provided in the state report, the number of persons who have undergone such training is relatively low.<sup>70</sup>

90. GREVIO was informed by the authorities that healthcare personnel undergo initial and in-service training which focuses on identifying and treating victims of domestic violence and sexual violence/rape and that this training is mostly mandatory. GREVIO notes that a protocol on the actions to undertake in cases of sexual violence has been developed but that it appears to be very basic. GREVIO was also informed by the competent authorities that gynaecologists working in the Makarios public hospital have been trained to identify and treat victims of FGM and that there are plans to establish a dedicated team for this form of violence.

91. Training for public civil servants was also provided by CAPA, in co-operation with independent bodies, on how to prevent and combat sexual harassment in the workplace throughout the course of 2019. Training for teachers and educators has been discussed under Article 14.

92. Finally, as regards the training of journalists, initial training at university encompasses ethics, which touches upon gender equality and violence against women. As regards in-service training, on the other hand, GREVIO has been informed by civil society that while some courses are offered by the Union of Journalists or by other authorities, they are optional and are not sufficient to meet the demand. GREVIO observes that while the 2019-2023 Gender Equality NAP includes training of media professionals as a key pillar of the action needed to eliminate gender stereotypes, no explicit reference to gender-based violence against women is made. The CRTA has been appointed by the state authorities as the body responsible for carrying out such training, however it has voiced concerns as to the sustainability of the related funding. Thus far, in fact, the CRA has used its own budget and pointed to the need for the relevant authorities to earmark dedicated funding for such training.

**93. GREVIO strongly encourages the Cypriot authorities to take legislative and other measures to ensure systematic and mandatory initial and in-service training on all forms of violence against women for the relevant professionals who deal with victims or perpetrators, particularly prosecutors and judges, law-enforcement officers, social services staff, healthcare personnel, journalists and teachers, in line with the requirements of the Istanbul Convention. Particular attention should be paid to overcoming entrenched stereotypes and a patriarchal culture and to ensuring the continuity and sustainability of the funding of such training, so that it is not project based.**

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69. See the Mediterranean Institute of Gender Studies, Recommendations – Position Paper “Gender-based-Violence: Victims Support Protocols, Investigation of Rape Reports, Training for Prosecutors and Judges and Media Coverage“, submitted to the House Committee on Human Rights and Equality between Men and Women, 14 February 2022 (in Greek). See: [www.medinstgenderstudies.org/έμφυλη-βία-πρωτόκολλα-αντιμετώπισης/](http://www.medinstgenderstudies.org/έμφυλη-βία-πρωτόκολλα-αντιμετώπισης/)

70. See the state report, Table 1.3, indicating that in the period 2019-2020 20 social workers underwent training.

94. In addition, GREVIO urges the Cypriot authorities to ensure that training and the relative protocols for law-enforcement officials who directly or indirectly receive reports and investigate cases of violence against women:

- a. underscore the obligation to record all reports of violence against women;
- b. address and debunk prejudices and patriarchal attitudes;
- c. address the concept of power and control and the need to adequately record patterns of abuse in the context of domestic violence;
- d. offer instruction on how and where to receive reports and interview victims in a manner that prevents secondary victimisation;
- e. sensitise and prepare police officers to deal with reports from women who are in a particularly vulnerable situation, such as migrant/asylum-seeking women and women with disabilities;
- f. clarify how to comprehensively collect all relevant evidence in addition to the victim's statement or, in cases of rape, in addition to the forensic evidence lifted from the victim;
- g. address the role of interim restraining orders in breaking the cycle of violence in cases of domestic violence.

95. With regard to prosecutors and judges, GREVIO urges the Cypriot authorities to provide them with robust training on violence against women, as well as guidelines or protocols that address:

- a. the debunking of prejudices and patriarchal attitudes;
- b. especially for prosecutors, the importance of ensuring the collection of additional evidence other than the victim's or perpetrator's statement;
- c. domestic violence, including the concept of power and control and the need to take into account patterns of abusive behaviour;
- d. the dissuasive and revictimising effect that impunity for violence against women has on victims;
- e. the implications of the new provision on rape based on lack of consent, including the shift of the onus onto the perpetrator to ensure that all sexual acts are engaged in voluntarily; and the role of interim restraining orders and restraining orders in breaking the cycle of violence in cases of domestic violence and other forms of violence against women, as well as the importance and preventive role of perpetrator programmes.

## **E. Preventive intervention and treatment programmes (Article 16)**

### **1. Programmes for perpetrators of domestic violence**

96. Currently, there is only one programme in Cyprus for perpetrators of domestic violence, called PROTEAS, which is referred to by the relevant laws as self-control treatment. It was set up in July 2020 by the main provider of support services to victims of domestic violence, the NGO APHVF, and services the whole island. GREVIO therefore notes that perpetrators living outside Nicosia must travel to the capital in order to benefit from this programme. The programme offers individual and group counselling sessions by psychologists and social workers and operates in close co-operation with support services for victims of domestic violence, as these services are run by the same provider. It is therefore also informed by a gendered understanding of violence against women, seeks to change the behaviour of the perpetrator by ensuring that he takes responsibility for his actions and is based on a victim-centred approach. The programme provides support to up to 25 people and since its establishment it has provided services to 15 men in 2020, and 20 men in the first six months of 2021. Considering the number of estimated reports of domestic violence received annually, GREVIO notes that the current capacity of the PROTEAS programme is therefore limited and would benefit from strengthening, including through rolling out the programme to other parts of the country. Nonetheless, GREVIO has also been informed by the authorities that the APHVF also plans to establish a perpetrator programme in custodial settings, which GREVIO encourages. As

regards the funding of the current programme, the state report indicates that it is supported by EU and government funding, including funding from the NMWR, which in 2020 covered 53% of its expenditures.<sup>71</sup> GREVIO further notes that the short and long-term impacts of the perpetrator programme has not been evaluated yet to assess whether it is actually serving its preventive purpose and that specific guidelines for perpetrator programmes in order for them to be in line with baseline standards have not been issued.

97. As regards the referral pathways to the perpetrator programme, the authorities have clarified that perpetrators can either self-refer or can be referred by the competent authorities, notably the police, the social welfare office, mental health services and the competent courts.<sup>72</sup> Indeed, GREVIO has been informed of a few occasions in which such attendance has been required by court. Nonetheless, GREVIO notes that parallel and contradicting provisions regulating the cases and modalities for the court to refer a perpetrator to a perpetrator programme are currently in force under the 2021 VAW law and the VF law. While the 2021 VAW law foresees the possibility for the competent court to order the attendance of self-control treatment in addition to the applicable sanctions, the VF law clarifies that “self-control treatment” can be used as a requirement to place a perpetrator on probation rather than sentencing him.<sup>73</sup> Moreover, under Article 23 of the same law, “self-control treatment” can also be used as an alternative to the issuing of a restraining order.<sup>74</sup> GREVIO observes that the co-existence of these two parallel sets of provisions can create confusion among legal practitioners as to the cases and circumstances in which attending perpetrator programmes should be ordered and leads to inconsistent measures being taken. Moreover, GREVIO observes that while it is true that the VF law indirectly encourages perpetrators to attend perpetrator programmes, it does so in a way that can work against victims’ right to have access to a just legal process. Indeed, the authorities should use all available means to ensure that perpetrator programmes are widely attended.

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71. Notably, in 2019, according to the state report, the state funding amounted to €10 000 and for the year 2020 to €25 000.

72. Article 46 of the VAW law provides that “Notwithstanding the provisions of any other Law and the imposition of any other sentence or sanction for the commission of an offence of violence against a woman, the Court may, in sentencing a person convicted, with his/her consent, order that he/she undergoes a diagnostic examination or therapy by a psychiatrist and/or a clinical psychologist of the Mental Health Services; that he/she joins the programs provided for in section 45, to enable him/her to adopt a behaviour aiming at preventing the exercise of violence and the change of patterns of his/her violent behaviour, and/or; that he/she undergoes self-control therapeutic treatment by specialists or under such terms as the Court deems necessary, so as to avoid the repetition of offences of violence against women. Article 45 provides that (1) The Mental Health Services shall ensure, in co-operation with other Services involved, the availability of a diagnostic evaluation, appropriate therapeutic interventions and effective programs, with the purpose of preventing and minimizing the risk of repetition of offences of violence. (2) The following persons may have access to the programs or intervention measures mentioned in subsection (1)(a): A person who is criminally prosecuted for an offence of violence against a woman, under conditions that are not harmful nor contradict the right of defense or the requirement for a fair and impartial trial and in particular in accordance with the presumption of innocence principle; and (b) a person convicted of an offence of violence against a woman, following an order of the Court, according to the provisions of section 46. (3) The Mental Health Services, in co-operation with Social Welfare Services, the Police and other Services involved, where applicable and with the aid of specialists trained and experienced in the field of forensic psychiatry and/or forensic psychology, shall have the responsibility, at any stage of the procedure, to evaluate the personality of the persons mentioned in subsection (2) and the possible risk of repetition of an offence of violence against a woman, aiming at identifying appropriate programs or measures of intervention and to assist the Court”.

73. More specifically, under Article 25 of the VF law, courts may place a perpetrator on probation provided that he submits “to self-control treatment by specialists” or “other conditions deemed necessary by the court” to prevent recidivism.

74. Under Article 23 of the VF law, “(1) The Court may issue against a person charged for the commission of any offence of violence, under this Law, an order valid for such period and upon such conditions as it may impose, prohibiting such person to enter or remain in the marital home. Such an order shall be called “a restraining order” (2) For the issue of a restraining order it is required that (a) It is proved to the satisfaction of the Court that the accused has a history of repeated acts of violence against members of his family or that he has two convictions in the last two years for similar offences; or (b) the violence used has caused such actual bodily, sexual or mental harm, as to endanger the life, integrity or sexual or mental health of the victims; or (c) the accused refuses to be submitted to self-control treatment imposed as a condition for the purposes of applying section 33 of Criminal Code or otherwise”.



98. **GREVIO strongly encourages the Cypriot authorities to:**

- a. **strengthen the capacity and outreach of perpetrator programmes, including by rolling out the programme to other parts of the country and introducing it in custodial settings, on the basis of sustainable funding to ensure their long-term functioning, including an evaluation of their impact;**
- b. **use all available means, including legislative means, to clarify the legal framework in place and ensure that perpetrator programmes are widely attended, including by integrating them into the criminal justice system as a tool to reduce recidivism, in addition to sentencing and/or the taking of protection measures.**

**2. Programmes for sex offenders**

99. At present there are no dedicated support programmes for sex offenders in Cyprus. The state provides mental health services, including psychiatric and psychological sessions focusing on behavioural aspects and anger management that partly relate to sexual crimes, to incarcerated perpetrators, upon their request. Compulsory follow-up care by clinical psychologists from the mental health services can also be ordered by the Surveillance Authority of Convicted Sex Offenders against Children. The latter is the co-ordinating mechanism for the competent authorities<sup>75</sup> that supervises convicted sex offenders against children, who have been recently released from prison, in line with Law 91(I)/2014 on the Prevention and Combating of Sexual Abuse and Sexual Exploitation of Children and Child Pornography. More specifically, under Article 51 of the said law, on a case-by-case basis, the surveillance authority decides on the social and psychological support to provide to convicted sex offenders so as to prevent and minimise recidivism. This programme is therefore more geared to provide support rather than therapy and only concerns cases of sexual abuse against children.

100. **GREVIO strongly encourages the Cypriot authorities to take steps to comply with the requirements of Article 16, paragraph 2, of the Istanbul Convention concerning the establishment of treatment programmes for sex offenders, taking due account of best practices developed internationally and guaranteeing a human rights-based approach.**

**F. Participation of the private sector and the media (Article 17)**

101. As regards the role of the private sector in preventing violence against women and enhancing their dignity, GREVIO welcomes a number of pertinent legislative and other measures that have been taken. Under the 2002 Law on Equal Treatment between Men and Women in Employment and Vocational Training (Law on Equal Treatment in Employment), all forms of discrimination on grounds of sex are prohibited in the context of access to employment, vocational training and dismissals and specific obligations are foreseen for employers. For example, under Article 12 of this law, employers are required to protect their employees from harassment and sexual harassment and are jointly and severally responsible for such actions if they have not taken measures to stop the conduct, where they are aware or have been made aware of such instances. GREVIO further notes with satisfaction that the Law on Equal Treatment in Employment further requires the employer to adopt a code of conduct on harassment and sexual harassment and provides guidance on its content. Under its Article 22, the law further requires the setting up of a Gender Equality Commission on Employment which, *inter alia*, monitors the implementation of the law, receives complaints, provides assistance to victims and verifies whether employers have adopted and implemented the relevant code of conduct. GREVIO further notes that under the 2021 VAW law a legal person can also be held criminally and civilly liable for the commission of a violence against women offence such as sexual harassment, under certain conditions.<sup>76</sup> GREVIO notes that these provisions help to foster greater

75. Namely the Attorney General of the Republic, the police, the mental health services and social welfare services.

76. Notably, Article 12 of the VAW law foresees "A legal person can be held liable for the commission of an offence of violence against a woman, when this is committed by any person acting either individually or as part of an organ of the legal person, holding a position in it based on (a) a power of representation of the legal person, or (b) power to take decisions on behalf of the legal person, or (c) power to exercise control within the legal person. (2) Without prejudice to

accountability of employers in ensuring a working environment that is free of gender-based violence. Finally, to incentivise employers' respect of gender equality, a National Certification Body was established in 2014 to evaluate companies on the degree of equal treatment and equal pay in the workplace. This body issues two types of certificates, an equality employer certificate and a good practice certificate. GREVIO welcomes the setting up of such a body but notes that there has been no evaluation of the effectiveness of the impact of these certificates and that there have been indications that they are somewhat issued without a thorough assessment. As regards the public sector, also worthy of note is the Code of Conduct for the Prevention and Treatment of Sexual Harassment and Harassment within the Civil Service, which was adopted in July 2018 and is now binding for the whole public sector. The code provides practical guidance as to the procedures that should be put in place to handle instances of sexual harassment and provides for the reversal of the burden of proof in these cases. The CAPA, in co-operation with the office of the Commissioner for Administration and the Protection of Human Rights, provided training to civil servants on this code in 2019, as well as to the members of the equality committees that have been designated in each ministry with the aim of raising awareness of this issue, including of how to enforce the code.

102. GREVIO welcomes the prohibition by the relevant laws and regulations on radio and media of broadcasts that incite hatred on a number of grounds, including sex,<sup>77</sup> and/or that insult the dignity of two sexes and the requirement that special measures must be taken where the reporting concerns violence against children, women or elders.<sup>78</sup> The CRTA is the audiovisual regulator that monitors the compliance of private radio and television broadcasters with the above-mentioned laws and that can issue sanctions, warnings or recommendations or order the suspension of a programme in case of a violation. To this end, it acts either *ex officio* or as a result of a complaint received from the public. GREVIO has been informed, by way of example, of sanctions in the range of €5 000 having been imposed on a radio channel as a result of the revictimising nature of its reporting of a victim.<sup>79</sup> To provide further guidance to broadcasters, the CRTA also issues circulars that address, *inter alia*, the requirement to avoid sexist stereotypes, the revictimisation of women victims of violence and sensationalism in reporting instances of gender-based violence. GREVIO was further informed that the CRTA shall issue an annual report to measure, among other things, the sensationalistic portrayal of violence against women and the participation of women in political debates.

103. In 2021, the CRTA, in co-operation with civil society and UNESCO, developed and published a non-binding Code of Conduct for the Promotion of Gender Equality and Combating Stereotypes, providing guidance to broadcasters on: gender-balanced representation; avoiding and challenging gender stereotypes; promoting gender representation and participation in political and economic life; contributing to the eradication of violence against women and girls; avoiding sexist language; and the promotion of gender equality in the internal structures of radio and television organisations. The code of conduct aims to serve as an awareness-raising and training tool for media professionals so that they can provide gender-sensitive reporting and be active agents in the prevention and combating of violence against women. Finally, the authorities have informed GREVIO that the CRTA has carried out media literacy workshops in schools to identify and accordingly challenge and deconstruct gender stereotyping in advertising and in audio-visual media content.<sup>80</sup> GREVIO welcomes the measures taken by the CRTA, which, on the whole, raise the media's awareness of the need to ensure the non-discriminatory portrayal of women and the non-sensationalistic reporting of violence against women.

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the provisions of subsection (1) above, a legal person may be held liable for the commission of an offence of violence against a woman, in case the inadequate supervision or inadequate control on behalf of a person mentioned in subsection (1) rendered possible the commission of the said offence by a person acting under his authority. (3) The liability of a legal person envisaged in subsections (1) and (2) shall not exclude the prosecution of a natural person acting as a principal offender, an accomplice or an accessory to an offence of violence against a woman. (4) A legal person convicted for the commission of an offence of violence against a woman is subject to a fine not exceeding three hundred thousand euros (€300 000), provided that, in addition to the criminal liability for the commission of an offence of violence against a woman, the legal person shall have civil liability”.

77. See Law7(I)/1998, the Radio and Television Organization Law, Article 30.

78. See Radio and Television Broadcasting Stations Regulations 2000 (Subsidiary Administrative Act 10/2000), Regulations 26 and 24(2).

79. For example, with regard to the reporting of the coverage of the trial of the 19-year-old British rape victim.

80. See the state report, p. 25.

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104. In addition, the Committee of Media Complaints, set up in 1997 by the respective unions representing journalists, TV broadcasters and publishers in Cyprus, accepts complaints from citizens and issues decisions which act as guidelines for the relevant stakeholders. Indeed, GREVIO has been informed that out of the complaints received many of these pertain to gender equality and gender-based violence and that this self-monitoring body is currently updating its code of ethics to better reflect and address issues related to gender equality and non-discrimination, which it welcomes.

105. This notwithstanding and despite improvements made by journalists in reporting on such issues, civil society, as well as the CRTA, have indicated that gender stereotypes and sexist portrayal of women are still pervasive in the media and that violence against women is often reported with sensationalistic headlines as a result of news organisations' lack of understanding of the gendered dimension of violence against women.<sup>81</sup>

**106. In light of the important role played by the media and the private sector in shaping and changing attitudes to the status and role of women in society and the level of acceptance of violence against women, GREVIO invites the Cypriot authorities to further strengthen the development and monitoring of self-regulatory standards and training in those standards, in relation to the non-stereotypical and non-sexist portrayal of women in the media, including in the context of reporting on violence they have suffered.**

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81. On this point, see the NGO submission from MIGS, p. 15.

## IV. Protection and support

107. Chapter IV of the Istanbul Convention aims at a multifaceted, professional and victim-oriented support structure for any woman who has experienced any of the forms of violence covered by the convention.

### A. General obligations (Article 18)

108. Article 18 of the Istanbul Convention sets out a number of general principles to be respected in the provision of both general and specialist protective and supportive services. One of these principles is the need for services to act in a concerted and co-ordinated manner with the involvement of all the agencies concerned, taking into account the relationship between victims, offenders, children and their wider social environment. Addressing the complexity of violence against women requires establishing an intervention system which involves all relevant policy sectors, administrative levels and actors. Multisectoral and multi-agency interventions across the national, regional and local levels are key to ensuring an effective and cohesive response to all forms of violence. Effective co-ordination at local level is particularly important in terms of ensuring that responses fit the community needs and of providing “one-stop-shop” services to victims.

109. The importance of co-operation between state agencies and NGOs providing services in the area of violence against women is reiterated in different provisions of the 2021 VAW law. Its Article 36, for example, foresees the possibility for all the relevant agencies, including the police and social welfare and mental health services, to co-operate with NGOs that provide support services to victims based on protocols of co-operation and/or special agreements, with the aim of providing support services located in the same premises in a victim-friendly environment. It further foresees that such services may, on the basis of protocols, exchange information relating to the victim or her family for the purpose of safeguarding the victim and her child/ren. The 2019-2022 Gender Equality NAP further encompasses, as a specific measure, the development and adoption of a multi-agency risk-assessment mechanism for the management of cases of domestic violence. While GREVIO notes that this last measure has not yet been implemented,<sup>82</sup> it welcomes the sound legal basis for multi-agency co-operation created by the VAW law.

110. This has resulted in concrete co-operation between the state agencies concerned and the APHVF, the principal NGO that provides support services to victims, in the context of the newly established Women’s House, in a one-stop-shop format.<sup>83</sup> GREVIO notes that staff from relevant agencies such as the police and social welfare services and clinical psychologists, legal counsellors and a children’s advocate are physically present in the Women’s House, albeit in some cases such as the police, on a rotational basis. While it is unclear whether formalised protocols between all these agencies and the Women’s House have been entered into, the staff at the Women’s House, as well as representatives of the mental health services, attend weekly meetings – and if needed more than once a week – in the Women’s House to discuss individual cases and create a risk-management plan for the victim. GREVIO welcomes this approach as it is indeed one that is likely to reduce the risk of secondary victimisation, is victim-centred and operates on the basis of a gendered understanding of violence against women.

111. Nonetheless, a number of shortcomings have been brought to GREVIO’s attention, including by civil society. First, although representatives of the police and social services are physically present at the Women’s House and are specifically trained to receive victims, in practice, local police stations and welfare offices are a victim’s first responders, with the referral to the Women’s House being the second step. GREVIO has been informed of many instances in which both social welfare services and the police have downplayed the violence or have not been responsive, which runs counter to the principles enunciated under Article 18 of the convention and undermines co-ordinated protection efforts. GREVIO further notes that the existing protocols on domestic violence and the related

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82. See the state report, pp. 7-8.

83. See also Chapter IV, Specialist support services.

co-operation efforts in the context of the Women's House do not ensure co-ordination with prosecutors, the judiciary and, where applicable, with educators, who do not participate in the weekly meetings. As regards the participation of the Ministry of Education in particular, GREVIO was informed by the authorities that a representative from the Ministry of Education has been appointed to co-operate with the Women's House but that a protocol of co-operation has yet to be signed and effective co-operation is greatly needed. GREVIO supports this perspective as the inclusion of all related agencies, including representatives of the education sector, prosecution and the judiciary, can be essential in comprehensively assessing the protection and support needs of victims and their children. These may include the need to ensure the safety of a child witness of domestic violence while at school, on the basis of a protection order, or that schooling is ensured following a child's move to a shelter with his or her mother. Another issue of concern is the fact that the Women's House provides support services on a one-stop-shop basis primarily to victims in Nicosia. It was in fact conceived to operate on a pilot basis so that it could be rolled out to other parts of the country at a later stage. GREVIO notes, however, that currently there are no plans to establish similar structures in other parts of Cyprus. While GREVIO was informed by the Women's House that around 8% to 10% of the referrals they receive relate to victims residing in other parts of the country, in practice, the majority of women victims who reside outside of Nicosia do not benefit from the services offered by the Women's House, which represents an important gap in service provision.

112. An additional aspect which has been raised by civil society is the insufficient sharing of information by the police and social services, including in the context of the Women's House, due to data-protection concerns and compliance with Law 125(I)/2018 on Data Protection. With a view to remedying this difficulty, Article 36 of the 2021 VAW law foresees the possibility of sharing such information in order to ensure the safety of the victim and the child. This notwithstanding, there appear to remain concerns as to its full implementation.<sup>84</sup>

113. On a different point, notwithstanding the requirement under Article 18 of the 2021 VAW law for social welfare services to provide support services regardless of the victim's willingness to co-operate in criminal proceedings, which GREVIO welcomes, it is unclear whether under Article 35 of the 2021 VAW law, social welfare services can carry out an individual assessment of the victim's needs and refer her to the related support services if she does not agree to the involvement of the police.<sup>85</sup> Moreover, Article 19 of the same law requires social welfare services, after having informed the victim of her rights and the support services available to her, to "inform the police accordingly". GREVIO is concerned that such provisions may be interpreted as implying the requirement for social welfare services to report any violence against women offence to the police, without the consent of the victim. In this respect, GREVIO observes that where victims may not be ready to criminally pursue the perpetrator, this requirement may affect victim's help-seeking behaviour and work against her safety.<sup>86</sup>

114. Finally, GREVIO notes with concern that a dedicated multi-agency response mechanism for other forms of violence against women such as rape, FGM, stalking and sexual harassment (outside of the intimate partner violence context) and forced marriage, as well as dedicated support services for these forms of violence, are lacking.

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84. See the NGO submission from MIGS, p. 17.

85. Under Article 35 of the 2021 VAW law, "(2) An individual assessment of the victim is conducted following his/her written consent for participation in the assessment and his/her co-operation with the Social Welfare Services, the Police or other Services involved and for the use of the personal data of the victim by the Social Welfare Services. (3) During the course of the victim's individual assessment, the Social Welfare Services may request the contribution of the Police and/or other Services involved or specialists and/or refer the victim for examination or assessment. (4) Immediately upon completion of the victim's personal assessment, the Social Welfare Services shall decide on the support and protection measures that are appropriate in the victim's case and personal circumstances". See also the analysis under Chapter IV, General support services.

86. See, in this respect, Chapter IV, Reporting by professionals.

115. **GREVIO strongly encourages the Cypriot authorities to adopt institutionalised structures for co-ordination and co-operation among the different governmental and non-governmental agencies, including the prosecution services, the judiciary and the education sector, to ensure adequate protection and support for victims of domestic violence and their children as well as for victims of all forms of violence against women, particularly rape and FGM, based on a gendered understanding of violence against women. In particular, GREVIO strongly encourages the authorities to:**

- a. **ensure the roll-out of the Women’s House to other parts of the country so that victims can benefit from support services delivered on a one-stop-shop basis, regardless of where they reside;**
- b. **ensure that data-protection considerations do not hinder the sharing of information between the relevant services and NGOs which is necessary to ensure the protection and support of victims.**

## **B. Information (Article 19)**

116. A victim’s right to information is enshrined in Article 19 of the 2021 VAW law, as well as in the Law on the Establishment of Minimum Standards on the Rights, Support and Protection of Victims of Crime. Article 19 of the 2021 VAW law foresees the obligation for any institution or NGO who comes into contact with a potential victim of violence against women to refer her to social welfare services. The latter are then required, under this same article, to inform the victim about her rights, including in writing, in simple language or in the victim’s mother tongue. This information should include, *inter alia*: the agencies and NGOs that provide support services, including those providing psychological support and legal assistance; the possibility of being provided with a risk assessment or filing a complaint; the existence of shelters; and procedures related to the right to obtain compensation. According to the authorities, information is also provided to victims at the stage in which they are assisted by the Women’s House. At that time, they are provided with a general information booklet, “Victim’s rights, Support and Protection”, which is available in seven languages and in braille, and are also given a leaflet on the rights of victims of gender-based violence, available in 10 languages.

117. GREVIO notes that, in practice, efforts made to provide information to victims of violence against women predominantly focus on domestic violence. This is the case for social welfare services but also, for example, for the 1440 telephone helpline, which primarily addresses domestic violence.<sup>87</sup>

118. As regards the provision of information to women who are at risk of social exclusion, such as migrant and asylum-seeking women, both the Women’s House and social welfare services have informed GREVIO of the availability of interpreters on their premises. Although the telephone helpline normally does not have the capacity to provide its services in languages other than English and Greek, at the time of the evaluation visit the telephone helpline was using, on a trial basis, the services of a company that offered simultaneous interpretation in 190 languages. Doubts were, however, expressed as to the sustainability of this option due to its cost. This notwithstanding, reports indicate that victims of all forms of violence against women are not provided with adequate and timely information in a language they understand by all frontline professionals, including the Asylum Service, social welfare services and the police.<sup>88</sup>

119. **GREVIO encourages the Cypriot authorities to ensure, including through legislative means, that all frontline responders are resourced to provide, or have readily available, interpreters to assist with the provision of information and support in a language the victim can understand and that they convey the information in a format that can be understood by women with disabilities.**

87. See, in this respect, Chapter IV, Telephone helplines.

88. See the NGO submission from MIGS and the End FGM European Network, p. 6.

## C. General support services (Article 20)

### 1. Social services

120. In Cyprus, the social welfare services represent one of the first entry points for victims of gender-based violence against women, and in particular, for victims of domestic violence. Under Article 34 of the 2021 VAW law, social welfare services shall take, as far as possible, all necessary measures to support victims, including by liaising with other services. Their role is to provide information to victims, carry out an individual assessment of their needs and then liaise and co-ordinate with the relevant services that provide specialised support services, including the Women's House, mental health services and, if applicable, a shelter. As regards more specifically the initial individual assessment, this is carried out if the victim consents in writing "to her participation in the assessment and his/her co-operation with social welfare services, the police or other services involved". The 2021 VAW law further specifies under Article 35 that during the course of the individual assessment, social welfare services may request the intervention of the police or other competent services. While the authorities have informed GREVIO that assistance to victims is provided irrespective of whether she is willing to press charges or testify against the perpetrators in line with Article 18 of the VAW law, GREVIO observes that the latter provision and Article 35 of the 2021 VAW law are partly not aligned. Article 35 of the 2021 VAW law could in fact preclude social welfare services from carrying out an individual assessment of the victim, a pre-requirement to provide the victim with the necessary assistance and refer her to specialist support services if, for example, she were to not give her written consent to the police's involvement.<sup>89</sup>

121. Social welfare services can also provide victims with financial assistance and housing.<sup>90</sup> As regards the first, social welfare services primarily advise victims to apply for the "minimum guaranteed income allowance", which is an allowance that can be applied for by any person whose income is below the guaranteed income<sup>91</sup> and is therefore not specifically foreseen for victims of violence against women. In addition to the latter financial support, GREVIO has been informed that social welfare services can grant victims an additional one-off allowance. Nonetheless, both the authorities and civil society have conceded that the procedures for requesting financial assistance are extremely laborious and time-consuming, taking, according to civil society, up to one year. Moreover, civil society has also drawn GREVIO's attention to the fact that these procedures are not appropriate for traumatised victims and that in many cases such requests are rejected. As regards the proposal of long-term affordable housing options to ensure victims' recovery, although the 2021 VAW law requires the Ministry of Labour, Welfare and Social Insurance to ensure long-term housing support to victims, no specific measures or programmes are foreseen for victims of violence against women. As regards assistance in finding employment, no specific measures seem to have been taken in this regard, except the referral to employment agencies.

122. Overall, GREVIO expresses concern about information pointing to the chronic underfunding and under-resourcing of social welfare services. Meetings with different stakeholders confirmed that these services are under particular strain and struggle to provide and to co-ordinate the needed support for victims of violence against women.<sup>92</sup> This is all the more worrying as these services represent one of the first entry points for victims and main responders, particularly outside Nicosia, where specialist support services are limited. By way of example, due to lack of staff and capacity, the opening hours of social welfare services are limited, they are very difficult to reach by telephone and the waiting time to access social services is extremely long.<sup>93</sup> This, coupled with restrictions

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89 See in this respect Chapter IV, General obligations.

90. Under Article 34, the 2021 VAW provides that "the services involved take all necessary measures, within the framework of their responsibilities, to ensure that victims have access to services of appropriately trained or specialised personnel, which will facilitate their recovery and which include legal, medical and psychological counselling services, financial assistance to cover their specific needs as far as housing, education, training and assistance in finding employment is concerned, in accordance with the provisions of the Minimum Guaranteed Income and Generally on Social Allowances Law".

91. This is set at €480 a month by law.

92. Information provided during the evaluation visit.

93. Information obtained during the evaluation visit.

linked to the Covid-19 pandemic, has led to victims having to wait outside of the offices of social welfare services for hours. GREVIO was further informed that during the lockdowns imposed by the authorities in the course of 2020 and 2021 in connection with the pandemic, social welfare services were not in a position to provide assistance to victims for a prolonged period of time. GREVIO notes with interest the employment of eight additional social welfare officers following the GREVIO baseline evaluation visit, a trend which GREVIO hopes can be further continued in the future.

123. As regards special measures taken to cater to the needs of women belonging to specific vulnerable categories, such as asylum-seeking women/migrant women, the authorities have clarified that representatives of social welfare services are stationed in the Pournara reception centre and are assisted by interpreters. Where asylum-seeking and migrant women are identified as vulnerable during the initial interviews, they are referred to social welfare services.

**124. GREVIO strongly encourages the Cypriot authorities to take the necessary legislative and other measures to ensure that:**

- a. access to general support services shall not depend on the willingness of the victim to press charges or testify against any perpetrators;**
- b. social welfare services are provided with adequate resources allowing them to discharge their responsibilities in an effective manner, as well as to foster co-operation among all other services that provide support to women exposed to the different forms of violence covered by the Istanbul Convention;**
- c. further measures are taken to ensure that women victims of all forms of violence covered by the Istanbul Convention throughout the country have access to services facilitating their recovery and autonomy, in particular financial assistance, long-term housing services and finding employment, and consideration is given to introducing dedicated programmes that cater to their specific needs.**

## **2. Healthcare services**

125. GREVIO observes from the outset that the Cypriot health service does not cover victims who are not registered with the system or those who do not pay social insurance contributions. While recognised refugees and asylum seekers are entitled to register with the national health system and have a right to healthcare, GREVIO expresses its concern that migrant women in an irregular situation and/or who are indigent and who are victims of violence against women may not be able to benefit from general healthcare services.

126. Under Article 34 of the 2021 VAW law, the Ministry of Health must ensure that health establishments have in place protocols relating to the admission, examination and care of victims of violence against women. It further specifies that comprehensive and specialised support must be made available for victims of sexual violence in a specialised centre, staffed by a multidisciplinary group, including personnel from mental health services, public health services, social welfare services and the Ministry of Education, Culture, Sports and Youth. GREVIO welcomes the requirement by law to establish protocols for health establishments on the care to be provided to victims of violence against women and the additional requirements foreseen in relation to sexual violence. It notes, however, that these provisions have yet to be fully implemented in practice.

127. The authorities have informed GREVIO that healthcare personnel undergo initial and in-service training which focuses on identifying and treating victims of domestic violence and sexual violence/rape and that this training is mostly mandatory. The authorities have also referred to guidelines sent to all hospitals on how to identify victims of violence against women. Nonetheless, no specific protocol detailing how to identify, treat or further refer victims of domestic violence to other specialised support services was made available to GREVIO, rendering the assessment as to the preparation and training of the relevant healthcare staff challenging.



128. GREVIO observes that a protocol on the actions to undertake in cases of sexual violence has been developed but that it appears to be very basic. The authorities have further specified that this protocol has been sent to all emergency rooms and hospitals but that no specific training on its use has been carried out.

129. As regards specialised healthcare support for FGM victims, the authorities have confirmed that hospitals have admitted and have had to treat FGM victims who experienced complications during childbirth. GREVIO welcomes the fact that since 2016 FGM victims have been able to receive medical support from trained gynaecologists in the Makarios Hospital and psychosocial support from the mental health services and social welfare services. Gynaecologists working in the Makarios public hospital have been trained to identify and treat victims of FGM and there are plans to establish a dedicated team for this form of violence, which GREVIO considers important in view of the obligations stemming from the Istanbul Convention to offer a holistic set of support services for all forms of violence against women, including FGM. Nonetheless, reports indicate that FGM victims face practical obstacles to accessing specialised medical health care due to lack of information and prejudice.

**130. GREVIO strongly encourages the Cypriot authorities to ensure the implementation of Law 115(I)/2021 and, in particular:**

- a. to ensure that dedicated and comprehensive protocols are in place in all general hospitals to identify, treat and further refer victims of domestic violence, sexual violence/rape and FGM, irrespective of their residence status, and that, in parallel, training is provided to the competent staff on the application of the protocols;**
- b. to ensure that training on FGM is extended to personnel of all hospitals, beyond Makarios General Hospital;**
- c. to take steps to overcome the practical obstacles faced by victims of FGM in accessing specialised healthcare support, notably the lack of information and the prejudice of medical staff.**

#### **D. Specialist support services (Article 22)**

131. The aim of specialist support is to ensure the complex task of empowering victims through optimal support and assistance catered to their specific needs. Much of this is best ensured by women's organisations and by support services provided, for example, by local authorities with specialist and experienced staff with in-depth knowledge of gender-based violence against women. It is important to ensure that these services are sufficiently spread throughout the country and are accessible to all victims. Moreover, these services and their staff need to be able to address the different types of violence covered by the scope of the Istanbul Convention and to provide support to all groups of victims, including hard-to-reach groups.

132. As referred to previously in this report, the principal women's rights organisation providing support services to victims of domestic violence is the APHVF, which is entrusted with the management of the Women's House and which, additionally, runs three shelters, a telephone helpline and a perpetrator programme.

133. As regards the Women's House, GREVIO welcomes the extraordinary and pioneering work of this multi-agency and multiprofessional crisis centre set up in late 2020 as part of Cyprus's implementation of the obligations stemming from the Istanbul Convention. Indeed, in a supportive and truly appeasing environment, the Women's House offers victims of domestic violence a complete range of support services all under one roof, 24 hours a day, seven days a week. These include immediate short-term psychological support by clinical psychologists and a referral to mental health services or other NGOs providing more long-term treatment, legal counselling by a lawyer, socio-economic support by social workers and dedicated assistance to child victims/witnesses through a Child Advocate. Moreover, due to the presence on a rotational basis of trained police

officers in the Women's House,<sup>94</sup> if the victim wishes to report the violence, she can do so in a safe environment by giving her statement to the police at that time, benefiting, where the victim is a child or a woman with a disability, from the possibility of video-recorded testimony taken in a dedicated room. In addition, staff from the Women's House can liaise with the prosecutor and request protective measures for the victim and her child/ren and refer and accompany her to any other service/institution. GREVIO was informed that once a victim has been received, her needs are assessed and shared with the above-mentioned professionals, which meet and discuss individual cases through a mini case conference at least once a week.

134. As already referred to in this report, the Women's House is located in Nicosia. Although the state report clarifies that the services of the Women's House are offered to victims who reside in all parts of the island, civil society has brought to GREVIO's attention various difficulties encountered in practice by victims who reside outside of Nicosia in reaching and obtaining the relevant support services. In addition to financial and logistical constraints encountered by such victims, social welfare centres outside of Nicosia infrequently refer victims to the Women's House. Moreover, while women who self-refer, in principle, are not turned away, in practice it is not encouraged and a referral by the police, social welfare centres, the telephone helpline or an APHVF office is necessary. GREVIO notes with concern that currently there are no plans to roll-out the Women's House to other parts of the country in order to overcome these challenges.

135. An additional element which further impacts the outreach capacities of the Women's House and its sustainable functioning is the fact that state funding has been provided for a two-year period and it remains uncertain whether and to what extent it will be provided thereafter.

136. The Women's House caters to the needs of women who are particularly vulnerable and, by law, provides support services to all women, including asylum-seeking and migrant women, regardless of their residence status. In practice, however, due to difficulties encountered by this category of women in accessing social welfare services, asylum-seeking and migrant women's access to specialised support services provided by the Women's House is affected as a referral from the welfare services/or the police is generally a prerequisite.<sup>95</sup> When it comes to women with disabilities, GREVIO welcomes the logistical arrangements made in the Women's House to cater to the needs of women with physical disabilities, including a platform to facilitate their entry and the setting up of easily reachable counselling rooms.

137. GREVIO understands that the Women's House was designed to receive referrals of victims of intimate partner violence and their children with the potential of also extending its remit to assist victims of rape, FGM and other forms of violence. Indeed, the Women's House contains an examination room and a shower facility which were built with a view to carrying out forensic examination in cases of rape and sexual assault. Moreover, victims of other forms of violence against women can potentially benefit from support services at the Women's House, such as general psychological counselling, legal advice and/or reporting to the police. Nonetheless, GREVIO notes that specific co-operation protocols offering holistic mechanisms for effective co-operation and specialist support services such as specific counselling and advice catering to the needs of victims of FGM, forced marriage or rape, for example, are not yet offered at the Women's House. No other specialist support services seem to exist in Cyprus that would take on this role, resulting in a gap in service provision that should be closed.

**138. GREVIO strongly encourages the Cypriot authorities to ensure immediate short- and long-term specialist support services to victims of all forms of violence against women, beyond domestic violence, in an adequate geographical distribution.**

**139. GREVIO encourages the Cypriot authorities to ensure that all victims of gender-based violence against women have the possibility to self-refer to specialist support services, in particular those offered by a shelter or the Women's House.**

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94. They are present from 9.00 a.m. to 5.00 p.m.

95. See Chapter I, Intersectional discrimination.

## E. Shelters (Article 23)

140. Currently, there are three shelters for victims of domestic violence operating in Cyprus, notably in Nicosia, Limassol and in Paphos, with a capacity of, respectively, seven, five and two rooms, hosting victims for periods of between four and six months.<sup>96</sup> Members of civil society have alerted GREVIO to the fact that shelters are constantly at full capacity and that the number of family places is insufficient. Indeed, a total of 14 rooms on offer in Cyprus for women seeking shelter from domestic violence appears too low to meet the demand for safety. GREVIO notes that when measured against the target of one family place per 10 000 head of population, the number of beds would need to be significantly increased.<sup>97</sup> It therefore welcomes the announced plans to set up a fourth shelter in Larnaca.

141. Shelters for domestic violence are run by the NGO APHVF and operate in a victim-centred manner, focusing on the empowerment of victims and providing shelter to victims free of charge. Accordingly, when victims are first received, they are given a care package to respond to their basic needs and are assisted in finding employment through liaison with employment agencies. Victims are equally provided with training to develop skills and their children are offered educational programmes, including summer schools, so that they can work during the daytime. Nonetheless, the insufficient funding provided by the authorities renders the running of the support services challenging.<sup>98</sup>

142. As referred to in the previous section, victims cannot self-refer to a shelter as they must be referred by the police, social welfare centres, the telephone helpline or an APHVF office. Moreover, migrant and asylum-seeking women's access to shelters is hampered by obstacles these victims face in accessing social welfare offices, which are one of the principal referral pathways to shelters.<sup>99</sup> On the other hand, special measures have been taken to also provide shelter to women with some physical disabilities, which GREVIO welcomes.

**143. With a view to guaranteeing adequate access of women victims of violence and their children to dedicated, safe and supportive shelter facilities, as required under Article 23 of the Istanbul Convention, GREVIO strongly encourages the Cypriot authorities to take measures to expand the number and/or capacity of specialist shelter facilities dedicated to women and their children, throughout the country, and ensure the financial sustainability of service provision.**

## F. Telephone helplines (Article 24)

144. The principal telephone helpline in Cyprus is the 1440 helpline run by APHVF, which operates on a 24/7 basis and is free of charge, providing, in parallel, a text message service and a live chat. The helpline has been running since 1988 and is now staffed by trained professionals, including psychologists. The languages spoken by these operators are English and Greek. Nonetheless, at the time of the evaluation visit, APHVF was testing on a trial basis the use of a simultaneous automatic interpretation service but was unsure whether it would be economically viable to use in the long term. The state report highlights that the number of calls received annually by this helpline is constantly increasing, with 1 384 calls in 2019 and 2 147 calls received in 2020. In this connection, GREVIO notes that the increase in calls has not always been matched with an increase in funding or staff, particularly during the Covid-19 pandemic and the relevant lockdown periods.

145. Calls can be made to the telephone helpline anonymously and confidentially, with the confidentiality being lifted only if the person reports child abuse and/or neglect or the intention to harm him/herself or other people. In these cases, the APHVF can record the serial number of the

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96. Each one accommodating, respectively, a maximum of 21 women and children in the case of Nicosia and Limassol and a maximum of six women and children in Paphos.

97. See the Explanatory Report to the Istanbul Convention, paragraph 134.

98. See, in this respect, Chapter II, Financial resources.

99. See Chapter I, Intersectional discrimination, and Chapter IV, Specialist support services.

call with any personal data excluded. The caller is also accordingly informed of this possibility with a pre-recorded message at the beginning of the call.

146. While the state report clarifies that the telephone helpline provides advice to callers in relation to all forms of violence against women, mention is made only of calls on domestic violence, which represented in 2020 76% of all calls. Moreover, according to women's rights groups, there is no specific protocol and/or specific training, for example on FGM, for staff.<sup>100</sup> GREVIO therefore is not clear to what extent the helpline is truly prepared to provide specific assistance on all forms of violence against women, all the more in the light of the fact that there are no specific and comprehensive protocols or specialist support services for all forms of violence against women, including rape, FGM, forced marriage, forced abortion or stalking outside of the intimate partner violence context.

147. In addition to the 1440 helpline, the 1455 helpline run by the NGO Cyprus Family Planning Association provides information and support on sexual and reproductive health issues, including on sexual violence. This service is available free of charge, daily, between 9 a.m. and 8 p.m. and is provided with due respect for the confidentiality of the caller and can refer the caller to the relevant support services. It is staffed by trained volunteers and professionals, including psychologists, sociologists, social workers and educators. With the opening of the Support and Therapy Centre to be run by the Cyprus Planning Association,<sup>101</sup> it also plans to provide information and guidance in the future on matters of childhood sexual abuse and its long-term consequences.

148. **GREVIO strongly encourages the Cypriot authorities to ensure:**

- a. **that the 1440 helpline is operated by staff trained on and prepared to provide information and assistance in relation to all forms of violence, including those that are statistically less prevalent in Cyprus, such as forced marriage, FGM, forced abortion and forced sterilisation;**
- b. **the financial sustainability of the 1440 helpline so that it can meet the demand for assistance at all times, including in times of crisis such as a health crisis, and that assistance be provided in languages beyond English and Greek, as relevant.**

## **G. Support for victims of sexual violence (Article 25)**

149. Under Article 34 of the 2021 VAW law, the Ministry of Health must ensure that health establishments have in place protocols relating to the admission, examination and care of victims of violence against women and that comprehensive and specialised support must be made available for victims of sexual violence in a specialised centre, staffed by a multidisciplinary group, including personnel from mental health services, public health services, social welfare services and the Ministry of Education, Culture, Sports and Youth. Despite the above, GREVIO notes with regret that no rape crisis or sexual violence referral centres capable of providing holistic and comprehensive support to victims of rape and sexual violence are currently in place in Cyprus.

150. GREVIO has been informed that some initial and in-service training has been carried out in hospitals for healthcare personnel on how to identify and treat victims of sexual violence/rape and that a very basic protocol on the actions to undertake in cases of sexual violence has been piloted in Famagusta Hospital and then sent to other hospitals but that no related training has been carried out on its application in practice. Forensic evidence can only be taken on hospital premises by a forensic expert, provided the victim reports the offence to the police. GREVIO notes that this deprives those victims that do not feel ready to report the violence to the police of the ability to produce strong evidence and thereby obtain justice, should she change her mind at a later time and want to report the crime. Moreover, only four forensic experts, who are responsible for taking evidence in respect of all types of crimes, are available in the whole country. These experts are not specialised in the taking of evidence in cases of rape/sexual violence and are therefore accompanied by a

100. See the NGO submission from MIGS and the End FGM European Network, p. 6.

101. See, in this respect, Chapter IV, Support for victims of sexual violence.

gynaecologist. While they are on call on a 24/7 basis, the scarcity of experts often entails long waiting periods for the victim, further exacerbating their trauma. Moreover, three out of four forensic experts are men.

151. Rape victims can also potentially be referred to and benefit from the specialist support services of the Women's House, including social and psychological assistance, as well as legal assistance and assistance from the police therein. However, GREVIO notes that this does not encompass trauma care or long-term psychological counselling. Nor is there the possibility to be examined by medical personnel and have forensic evidence lifted and stored.<sup>102</sup>

152. From the foregoing, it follows that currently the provision of specialist support services to victims of rape/sexual violence is not comprehensive, nor provided on a one-stop-shop basis. Currently a rape victim would in fact need to approach, consecutively, several institutions/entities, including the hospital, social welfare services, the telephone helplines and the Women's House, and retell her story multiple times before receiving some of the needed support. This could be avoided in Nicosia, for example, by providing the Women's House, which already contains an examination room, with the services of a nurse, a gynaecologist and a forensic expert and complementing that with other specialist support services that are currently missing, such as trauma care/long-term psychological counselling. As regards rape victims residing outside of the capital, who do not easily have access to the Women's House and, more generally, have limited access to a range of specialised support services, the authorities need to introduce dedicated services, in a hospital setting or elsewhere, that offer immediate medical care, high-quality forensic practice and crisis intervention for victims of rape and sexual violence. Beyond the immediate needs of a rape victim seeking support, these specialist support services should also be equipped to deal with the legacies of harm of sexual violence, because counselling and support is often taken up some time after the violence. Offering specialist support services that meet both the immediate and longer-term needs of rape victims, irrespective of their reporting to the police, delivered on a one-stop-shop basis and available in sufficient numbers, is therefore of utmost importance. This is all the more important in a country like Cyprus where an undetermined number of women have suffered conflict-related sexual violence as a result of the 1974 conflict, suggesting the need for specific counselling services to address long-term trauma and suffering resulting therefrom while at the same time working towards a reduction in the stigma surrounding experiences of conflict-related sexual violence.<sup>103</sup> GREVIO notes that this would also benefit migrants/asylum seekers who are victims of conflict-related sexual violence as a result of a war in their country of origin.

**153. With a view to avoiding secondary victimisation and providing comprehensive support to victims of rape and sexual violence, GREVIO urges the Cypriot authorities to set up rape crisis or sexual violence referral centres in sufficient numbers in the country and to provide medical and forensic examinations, trauma support and psychological counselling for victims. This may be achieved in Nicosia by strengthening and complementing the specialist support services already provided by the Women's House with additional services and dedicated staff, enabling it to perform forensic examinations and provide trauma support and/or long-term psychological counselling. It also urges the Cypriot authorities in particular to:**

- a. ensure that forensic examinations are carried out in line with internationally recognised standards and that measures are taken to ensure that forensic evidence is collected and stored with the consent of the victims, regardless of whether the matter has been reported to the police;**

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102. The state report also refers to a centre for the support and therapy of adult survivors of sexual childhood abuse and exploitation that is in the process of being set up by the Cyprus Family Planning Association, which GREVIO welcomes. GREVIO understands that the centre will aim to provide psychological support and therapy for victims of childhood sexual abuse and trauma, social support, sexual and reproductive counselling and legal counselling and will be staffed by an interdisciplinary team of professionals (clinical psychologists, social workers, nurses and a lawyer).

103. See, in this respect, *Cyprus v. Turkey*, Application Nos. 6780/74 and 6980/75 of the European Commission on Human Rights, 1976, which found that rapes were committed by soldiers, that the rapes were not isolated cases of indiscipline and that they amounted to inhuman treatment. See also in this respect Chapter II, Comprehensive and co-ordinated policies.

- b. **strengthen protocols/guidelines and training on the management of cases of sexual violence and rape in hospitals;**
- c. **take measures to address and provide specialist support to victims of conflict-related sexual violence.**

#### **H. Protection and support for child witnesses (Article 26)**

154. The obligation set out in this article is to ensure that whenever children have witnessed domestic violence, rape, sexual harassment or other forms of violence covered by the convention, the services provided to direct victims also cater for the needs and rights of any children exposed to such violence. While this is most relevant to domestic violence cases, it is important to bear in mind that children may also be exposed to other forms of violence.

155. Research has shown that children who witness violence by one parent against the other in the home often develop emotional problems, cognitive functioning disorders and accept attitudes around violence that need to be addressed in the long term.<sup>104</sup> It is thus of crucial importance to ensure their access to psychological counselling and therapy as soon as they come to the attention of the authorities.

156. GREVIO welcomes the acknowledgement by the 2021 VAW law in its preamble that a child witnessing domestic violence is also a victim. Support services for child witnesses or victims of domestic violence are provided both in residential and non-residential settings.

157. The Women's House employs a children's advocate that is responsible for devising a welfare plan for the child witness and/or victim and for supporting him/her. The children's advocate equally ensures that the rights of the child are taken into account in all procedures, including civil and criminal proceedings. As regards psychological counselling, this is offered both by the Women's House/APHVF and by mental health services, the latter upon referral of social welfare services. While the VF law expressly provides under its Article 6 that a professional (called a family counsellor) can refer a child for any medical or other examination required, without the consent of the parents, GREVIO's attention has been drawn by the authorities to the problematic requirement of both parents' authorisation to provide psychological assistance to children.<sup>105</sup> GREVIO observes that, with fewer opportunities available to subjugate their former partners after separation or after the victim has left the common residence, many domestic abusers retaliate by abusing their children. Not giving their consent to allow their children to receive the needed psychological support may be one of the ways to do so.

**158. GREVIO strongly encourages the Cypriot authorities to ensure that the provision of psychological counselling to child victims or witnesses of domestic violence or any other form of violence against women is not subject to the approval of both parents.**

#### **I. Reporting by professionals (Article 28)**

159. The requirement deriving from Article 28 of the convention is carefully worded so that when there are reasonable grounds to believe that a serious act of violence has been committed and other such acts can be anticipated, professionals may report their suspicions to the relevant authorities without risking punishment for a breach of their duty of professional secrecy.

160. Under Article 17 of the 2021 VAW law, GREVIO notes that confidentiality rules applying to professionals in the public or private sector when exercising their duties do not apply if "s/he has sufficient grounds to believe that an offence of violence against a woman has been committed or that other acts of violence against a woman are expected to be committed". In these cases, the professional can accordingly inform the prosecution authorities. The exception does not apply with

104. "Problems associated with children's witnessing of domestic violence", Jeffrey L. Edleson, 2016, VAW Net, available at [www.vawnet.org/sites/default/files/materials/files/2016-09/AR\\_Witness.pdf](http://www.vawnet.org/sites/default/files/materials/files/2016-09/AR_Witness.pdf).

105. See the state report, p. 31.

regard to information received by a lawyer when providing legal advice and/or defending a defendant/party in criminal or civil proceedings. GREVIO notes that, while the convention refers to “serious acts of violence” and the 2021 VAW law refers to any act of violence against women, nonetheless, the provision is to be welcomed. Moreover, Article 35a of the VF law foresees the obligation for any person to report cases of violence against a minor or a person with a severe mental or psychological disability of which s/he is aware and sanctions the breach of such a provision with up to two years of imprisonment or a fine.

161. On another point and as recalled earlier in this report, GREVIO observes that under Article 19 of the 2021 VAW law, social welfare services should, in principle, inform the police after having provided information to a victim of violence against women. While GREVIO notes that the imposition of reporting obligations on professionals does not run counter to Article 28 of the Istanbul Convention, blanket reporting obligations may raise issues around the provision of victim-centred and gender-sensitive support services. Mandatory reporting may in fact constitute a barrier to seeking help for women victims who do not feel ready to initiate formal procedures and/or fear the consequences of reporting for them or for their children (for example, retaliation from the abuser, financial insecurity, social isolation or the removal of children from their care). Where the authorities have introduced mandatory obligations for professionals, GREVIO notes that these should allow for the balancing of the victims’ protection needs – including those of her children – with respect for the victim’s autonomy and empowerment and should thus be circumscribed to cases in which there are reasonable grounds to believe that a serious act of violence covered by the scope of the convention has been committed and further serious acts are to be expected. In these cases, reporting may be made subject to certain appropriate conditions such as the consent of the victim, with the exception of some specific cases such as where the victim is a child or is unable to protect her/himself because of disabilities.

**162. Recalling the principle of women’s empowerment mainstreamed throughout the Istanbul Convention, GREVIO strongly encourages the Cypriot authorities to ensure that any duty to report imposed on professionals is tempered by full and sensitive information being provided to the victim to allow her to make an informed decision herself and maintain autonomy. To this end, GREVIO strongly encourages the Cypriot authorities to review the obligation for social welfare services professionals to report cases of violence against women and their children, other than in situations in which there are reasonable grounds to believe that a serious act of violence covered by the scope of the Istanbul Convention has been committed and further serious acts are to be expected. This may well require making the obligation to report contingent upon the prior consent of the victim, unless the victim is a child or is unable to protect her/himself because of disabilities.**

## V. Substantive law

163. Chapter V of the Istanbul Convention covers a range of provisions related to substantive law, in the area of both civil and criminal law. Their aim is to help create, in all parties to the convention, the necessary legislative framework to prevent violence against women, protect them from further victimisation and to ensure robust intervention and prosecution by law-enforcement agencies. In the interest of prioritisation, this section of the report addresses several but not all provisions of Chapter V of the convention.

### A. Civil law

#### 1. Civil remedies against the state – ensuring due diligence (Article 29)

164. A core aim of the Istanbul Convention is to end impunity for acts of violence against women. This not only requires that individual perpetrators be held accountable through criminal law and other measures, but also that legal avenues be available to challenge and address any failure of state actors to comply with their due diligence obligation to prevent, investigate and punish acts of violence (Article 5, paragraph 2, of the convention).

165. As regards the availability of adequate civil remedies against state authorities that have failed in their due diligence duties, GREVIO has been informed by the authorities that victims can lodge a civil claim under Article 70 of the Public Service Law of 1990 (1/1990), which regulates the civil responsibility of public officials.<sup>106</sup> This provision states that the civil servant is liable for the damage caused by a reckless, imprudent or dangerous act or omission caused by him/her in the performance of his/her duties, if the Minister of Finance so decides, after obtaining the opinions of the Attorney General of the Republic and the Auditor General. Moreover, a civil action can also be lodged against the state for negligence. While the state authorities have confirmed that there have been cases brought against civil servants for violating their due diligence obligations and that disciplinary measures have been used where public officials have failed to take the necessary preventive or protective measures, no supporting data are available to gauge the extent to which victims actually access these remedies, nor their outcomes. GREVIO observes that the lack of information hampers states' ability to assess the reasons preventing victims from accessing such remedies. GREVIO is not aware of any code of conduct for public officials clearly stating the principle of civil responsibility of public officials. Furthermore, it has been highlighted that under Article 6 of the Law on the Establishment of Minimum Standards on the Rights, Support and Protection of Victims of Crime, victims must be informed of the available procedures for making complaints where the rights of the victim are not respected by the services involved.

166. The authorities have also clarified that a complaint can also be made directly to the Law Office of the Attorney General in the case of criminal behaviour. As regards in particular avenues of redress against the police should they refuse to investigate a report, the victim can bring a complaint before the Independent Authority for the Investigation of Allegations and Complaints against the Police and an independent investigation will then be carried out under Law 9(I)/2006.<sup>107</sup> Reports have highlighted, however, the low number of investigations and sanctions issued by this body compared to the high number of complaints received, as well as the lack of effective investigations,

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106. Under Article 70 (1) a public servant "shall be liable to the State for any loss or damage caused by his reckless, imprudent or dangerous act or omission in the performance of his duties and may be liable for all or part of the loss or damage so caused, if the Minister of Finance so decides, after obtaining the opinions of the Attorney General of the Republic and the Auditor General. (2) A public servant shall also be liable to the State for compensation paid by the State to third parties for reckless, imprudent or dangerous acts or omissions by the public servant in the performance of his or her duties. (3) The State's claim for compensation against the employees in the cases referred to in the above subsections shall be barred in three years. In the cases of subsection (1) the three-year period shall begin to run from the time the damage occurred and in the cases of subsection (2) from the time the State paid the compensation".

107. Law on the Establishment and Operation of the Independent Authority for the Investigation of Allegations and Complaints against the Police.



as observed by the European Court of Human Rights in *Thuo v. Cyprus*.<sup>108</sup> An additional body in place that is responsible for carrying out disciplinary investigations into the actions of the police is the Professional Standards, Audits and Inspection Directorate. However, concerns about lack of independence have been expressed in respect of the operation of this body.<sup>109</sup>

**167. GREVIO encourages the Cypriot authorities to assess the level of use made by victims of the different forms of violence covered by the scope of the Istanbul Convention of the different remedies against the authorities with a view to identifying the prevailing reasons preventing victims from accessing such remedies. Progress in this area should be measured by collecting data on the number of complaints by victims and their outcomes.**

## **2. Compensation (Article 30)**

168. Article 25 of the 2021 VAW law stipulates the right for the victim of a violence against women offence to claim damages against the offender under civil law before a civil court, with no limitation period applicable.<sup>110</sup> To determine the amount of the compensation, the court takes into consideration, *inter alia*, the extent of the violence and its consequences for the victim, the degree of guilt of the perpetrator, the relationship of the perpetrator to the victim and the power or the influence of the perpetrator over the victim. No reference is made, however, to the moral damages suffered by the victim.

169. As regards secondary compensation, Cyprus has reserved the right not to apply Article 30, paragraph 2, of the convention, applying instead a crime victim compensation programme funded by the general revenue of the Republic of Cyprus, which aims to provide financial compensation to victims of violent crime, understood as any offence that is committed intentionally and contains the element of violence and that is the direct cause of death, serious bodily injury or impairment of health.<sup>111</sup> The authorities have clarified that only nationals of the states parties to the European Convention on the Compensation of Victims of Violent Crimes and nationals of member states of the Council of Europe can benefit from this compensation scheme, excluding, therefore, victims who are nationals of other countries. To be able to obtain compensation, the victim must lodge a request before the Director of Social Insurance and will be informed of the decision once her/his eligibility is verified and upon the review of police and medical reports. Compensation and benefits covered by the social insurance may include medical expenses from public health institutions (up to €1 700), hospitalisation expenses from public health institutions, sickness benefits, invalidity and dependent's pension, a funeral grant, a disability pension and a pension for dependants.

170. GREVIO regrets that no data are available on the number of women victims who have claimed compensation from perpetrators or from the state for the offences established under the convention or the number of women victims who were awarded compensation from either perpetrators or the state.

**171. GREVIO invites the Cypriot authorities to collect data on the number of cases in which women victims of violence have claimed and have obtained compensation either from the perpetrator or the state for offences covered by the Istanbul Convention.**

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108. See the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Concluding observations on the fifth periodic report of Cyprus, 23 December 2019, p. 3, CAT/C/CYP/CO/5 and see the judgement of the European Court of Human Rights, *Thuo v. Cyprus* (Application No. 3869/07).

109. *Ibid.*

110. Article 25 of the 2021 VAW law clarifies that "notwithstanding the provisions of the Limitation of Actions Law, there is no limitation period for the actionable right of the victim".

111. In addition to the victim, the following additional categories of person can benefit from this compensation scheme: dependants of homicide victims, including a husband or wife or a child under the age of 15 (child includes a stepchild, a child born out of wedlock and a legally adopted child); a child, regardless of age, who is permanently incapable of supporting him/herself.

### 3. Custody, visitation rights and safety (Article 31)

172. Custody and visitation decisions in relation to families with a history of abuse require a careful balancing of the different interests at stake. Article 31 of the convention seeks to ensure that incidents of violence covered by the convention, in particular domestic violence, are taken into account in decisions on custody and visitation rights to ensure that the exercise of these rights does not harm the rights and safety of the victim or children.

173. GREVIO regrets that under the relevant laws, there is no explicit reference to domestic violence or other forms of violence against women as a legal criterion to be taken into account when deciding on custody and visitation rights. The authorities have cited the VF law, which allows the court to issue an order prohibiting visitation of the child by the perpetrator in cases of violence against children. Articles 18 and 21 of the Parents and Children Relations Law enable the judge, respectively, to remove custody rights (parental responsibility) from one or both parents where they violate their parental obligations, where they exercise them improperly or where they are not in a position to exercise them, or where the parent has been convicted of an offence concerning the life, health or morals of the child. GREVIO notes in this respect that while these provisions could allow the judge to take into account incidents of violence against the child in the determination of custody and/or visitation rights, they would be less apt to ensuring that instances of violence against women, including domestic violence, be effectively taken into account by the competent judge in decisions over custody and visitation.

174. This is confirmed also by court practice, as there are no examples of case law in which episodes of domestic violence have led to the curtailing of either custody or visitation rights of the abusive parent. Moreover, as has been brought to GREVIO's attention by civil society, it appears that the granting of shared custody and of visitation rights to the non-resident parent is the norm as it is presumed to be in the best interests of the child to maintain contact with both parents, including in cases where the child has witnessed violence against women.

175. GREVIO recalls that the 2021 VAW law in its preamble acknowledges that a child who witnesses violence against women is to be considered a victim him/her-self. GREVIO considers that the implications of this should be better reflected in the Law on Parents and Children Relations through a dedicated provision in line with Article 31 of the convention. It therefore welcomes the ongoing revision process of the Family Law currently underway in parliament, which foresees a package of amendments. These include, *inter alia*, the addition of a provision requiring that "in adjudicating a custody case of a child, the court takes into account incidents of violence against women and domestic violence and ensures that the exercise of any custody rights, including communication/visitation, does not endanger the rights and safety of the victim, children and is in the best interest of the child"; as well as the possibility to form an interdepartmental team of experts (including social welfare and mental health services experts) in order to assess the best interests of the child, prior to taking a decision on custody/visitation rights. While welcoming these amendments, GREVIO expresses its concern that the current wording of the first amendment may not encompass and extend its application to decisions concerning visitation rights, where the abusive parent does not have custody. In addition to the foregoing, the package of amendments shared by the authorities with GREVIO appears to underscore as fundamental the right of the child to maintain personal relations and communication with both its parents, without obstruction. While GREVIO recognises the need to carefully balance the different rights at stake and fully supports the right of the child to maintain his/her ties with both parents as enshrined in Article 9, paragraph 3, of the UN Convention on the Rights of the Child, exposure to domestic violence – as a victim or witness – requires exceptions to be made in the best interests of the child.<sup>112</sup> For this reason, consideration of episodes of violence against women should also be mainstreamed in decisions over visitation rights – in addition to custody and residence rights. GREVIO notes that significant harm can be done to children and/or the non-abusive parent because of visitation rights of the abuser. As regards the second amendment previously referred to, GREVIO stresses the importance of such an interdepartmental

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112. The UN Committee on the Rights of the Child emphasises, in paragraph 61 of its General Comment No. 13, that the "interpretation of a child's best interests must be consistent with the whole Convention, including the obligation to protect children from all forms of violence".

team and or any other expert whose contributions are relied upon by judges to reach their decisions being specifically trained on the dynamics and realities of violence against women and its traumatic consequences on child witnesses.

176. Closely linked to the prevailing approach of ensuring visitation rights of both parents and insufficient training on violence against women and its traumatic consequences on child witnesses is the mounting use of the concept of “parental alienation syndrome” in cases of domestic violence. This concept has been cited in court decisions and has, furthermore, been included as a topic of debate before the Cyprus Parliamentary Committee on Human Rights and on Equal Opportunities for Women and Men. Indeed, the Cypriot authorities have confirmed that this concept has been used by courts to avoid parental alienation of one of the two parents.<sup>113</sup> While it is not clear whether these cases concerned domestic violence, according to women’s rights groups, it is most frequently mothers, victims of domestic violence that have been accused of parental alienation in parallel with a downplaying of domestic violence.<sup>114</sup> As GREVIO has had the opportunity to note, “parental alienation syndrome” as a so-called concept is recognised not to exist and should therefore not be used.<sup>115</sup> GREVIO underscores that this or related notions are often invoked without a proper understanding of the dynamics of domestic violence against women and its effects on children, and in the absence of a thorough risk assessment and case-by-case examination of the specifics of each situation at hand. More must be done to ensure a more thorough understanding of how post-separation abuse manifests itself in family law proceedings concerning custody and visitation rights.

177. From the information available to GREVIO, there appears to be a lack of consultation and co-ordination of family courts with other relevant bodies and/or professionals, including, but not limited to, criminal courts, law-enforcement agencies, health and education authorities and specialist women’s support services when taking decisions on custody and visitation. More specifically, there is no indication that family courts inquire into existing risk assessments made by law-enforcement officers or social welfare staff, with a view to taking them into account and determining the best interests of the child, or whether the courts check if criminal proceedings are pending against the abusive parent or have been brought in the past.

178. As regards mediation in divorce proceedings, including on matters related to custody and visitation rights, GREVIO welcomes its non-mandatory nature.<sup>116</sup>

179. Concerning Cyprus’s compliance with Article 31, paragraph 2, of the convention, in addition to the existing legislative gaps in this respect, civil society has brought to GREVIO’s attention difficulties experienced in ensuring the safety and in preventing secondary victimisation of the victim and/or the child during visitation with abusive fathers in cases of domestic violence. Although in such cases visitation can take place at the offices of the welfare services under the supervision of its staff and some attempts are made to avoid having the two parents present at the same time, practical difficulties exist. GREVIO draws the authorities’ attention to the high risks to victims and children posed by maintaining contact between the victim and the perpetrator, without protection and appropriate measures, and stresses that measures must be taken to ensure the safety of domestic violence victims and their children in any visitation arrangements, in particular those carried out under supervision.

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113. Information obtained during the visit.

114. See the NGO submission from MIGS, p. 18.

115. In its baseline evaluation reports, GREVIO has consistently referred to the statement of December 2017 by the European Association for Psychotherapy (EAP), which draws attention to the fact that the concepts of “parental alienation syndrome” (PAS) and “parental alienation” (PA) are unsuitable for use in any psychotherapeutic practice. This statement by the EAP, which is made up of 128 psychotherapy organisations from 41 European countries, acts as a guiding principle for European psychotherapists. See also GREVIO’s baseline evaluation report on France, paragraph 106.

116. See, in this respect, Chapter V, Prohibition of mandatory alternative dispute resolution processes or sentencing.

180. **GREVIO urges the Cypriot authorities to:**

- a. **amend the Law on Parents and Children Relations and issue guidelines for practitioners to explicitly provide and ensure that in the determination of custody and visitation rights of children, incidents of violence covered by the scope of the Istanbul Convention are taken into account and, in addition, to ensure that in the exercise of any visitation or custody rights, the rights and safety of the victim and her children are safeguarded;**
- b. **ensure that family courts take into account any episodes of violence, by consulting with all relevant professionals and/or conducting their own investigations;**
- c. **inform all relevant professionals that are consulted on and/or or issue decisions on custody and visitation rights of the absence of scientific grounds for the “parental alienation syndrome”, through adequate training and awareness raising and to ensure that it is no longer used in practice;**
- d. **ensure a sufficient number of professionals trained in violence against women to accompany the supervised access visits;**
- e. **ensure that in the context of supervised visitation, the non-abusive parent does not have to meet face to face with the perpetrator.**

**A. Criminal law**

181. GREVIO welcomes the numerous legislative developments in the area of criminal law that have occurred in recent years, demonstrating Cyprus’s serious commitment to tackling violence against women and stemming impunity. These developments include the passing of the 2021 VAW law, criminalising different forms of violence against women, amendments to the definition of rape with a view to aligning it more closely to the convention and the entry into force of the new laws on harassment and sexual harassment, as well as the 2021 law on stalking and the 2020 law on combating sexism and sexist behaviour. GREVIO further positively notes that under the 2021 VAW law a legal person can also be held criminally and civilly liable for the commission of a violence against women offence, under certain conditions,<sup>117</sup> thereby fostering greater accountability of employers in ensuring a working environment that is free of gender-based violence against women. Moreover, GREVIO notes that further to the passing of an amendment of the 2021 VAW law in July 2022, femicide is now foreseen as a separate offence, punishable by life imprisonment.

182. Notwithstanding these positive elements, and as has been previously referred to in this report, GREVIO observes structural shortcomings stemming from the co-existence of the 2000 VF law and the 2021 VAW law, which leads to overlapping provisions regulating certain issues in a contradictory manner. This is the case, for example, for the respective provisions defining domestic violence or for the instances in which criminal court judges can refer perpetrators to perpetrator programmes, but it also relates to some aspects of criminal procedural law, such as the issuing of emergency barring orders and protection orders, which will be discussed in Chapter VI.

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117. Notably, Article 12 of the VAW law foresees “A legal person can be held liable for the commission of an offence of violence against a woman, when this is committed by any person acting either individually or as part of an organ of the legal person, holding a position in it based on (a) a power of representation of the legal person, or (b) power to take decisions on behalf of the legal person, or (c) power to exercise control within the legal person. (2) Without prejudice to the provisions of subsection (1) above, a legal person may be held liable for the commission of an offence of violence against a woman, in [cases involving] the inadequate supervision or inadequate control on behalf of a person mentioned in subsection (1), rendered possible the commission of the said offence by a person acting under his authority. (3) The liability of a legal person envisaged in subsections (1) and (2) shall not exclude the prosecution of a natural person acting as a principal offender, an accomplice or an accessory to an offence of violence against a woman. (4) A legal person convicted for the commission of an offence of violence against a woman, is subject to a fine not exceeding three hundred thousand euros (€300 000), provided that, in addition to the criminal liability for the commission of an offence of violence against a woman, the legal person shall have civil liability”.

## 1. Psychological violence (Article 33)

183. GREVIO welcomes the criminalisation of psychological violence as a distinct offence under Article 6 of the 2021 VAW law. This provision punishes anyone who, through coercion, exertion of pressure, intimidation, insults or threats, seriously impairs a woman's psychological integrity or causes real fear to her, by a prison term of a maximum of five years and/or with a fine not exceeding €10 000. GREVIO considers that the wording of the law is enough to capture the criminal nature of an abusive pattern of behaviour occurring over time. At the same time, the VF law and the 2021 VAW law also criminalise psychological violence as part of the domestic violence offence, which under the VF law equally carries the sanction of up to five years of imprisonment and/or a fine. GREVIO observes that if prosecuted as a domestic violence offence, the co-existence of the two laws introduces the uncertainties already described in this report.<sup>118</sup>

184. Although the authorities have confirmed that there have been cases where domestic violence has been prosecuted on the basis of psychological violence alone on the basis of the VF law, it could not be verified by GREVIO due to the lack of statistical data.

## 2. Stalking (Article 34)

185. Stalking has been criminalised further to the entry into force of the 2021 law on stalking, which GREVIO welcomes. The law provides a detailed definition of the offence, distinguishing between a "negligent" or less serious form of stalking, a more serious form of stalking, aggravating factors and a description of valid defences that can exempt the defendant from criminal liability.<sup>119</sup> The law, moreover, contains provisions detailing the types of injunctions/protection orders that can be issued by the court to protect the victim from stalking.

186. As regards the less serious form of stalking, it is defined as "a course of conduct that the person knows or ought to have known ... amounts to stalking" and is punishable by imprisonment of up to two years and/or a fine not exceeding €5 000, provided that the act is not punished more strictly under the provisions of any other law in force. The law clarifies that a person shall be deemed to ought to have known that his course of conduct amounts to stalking if a reasonable person under the same circumstances would consider it so. It also clarifies under Article 4, sub-section 4, examples of a person's course of conduct that amount to stalking, including: "following the victim, contacting or attempting to contact a person by any means, monitoring the use of the victim's email or sending posts on social media relating to the victim's personal life or interfering with a victim's posts on the internet, interfering with the victim's movements from or to his home and/or workplace or other public or private place that s/he frequents, or loitering in such places, interfering or threatening to interfere

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118. See Chapter I, Scope of application of the convention and definitions.

119. Under Article 4 "(1) Any person whose course of conduct amounts to surveillance which causes annoyance, which he knows or ought to have known that the said conduct constitutes annoyance/harassment, is guilty of an offence and is liable, on conviction, to imprisonment for a term not exceeding two (2) years, or to a fine not exceeding five thousand euros (€5,000), or both, provided that the act does not impose a stricter punishment under the provisions of any other law in force. (2) In case the described in subsection (1) annoyance causes the victim to fear that violence will be used against him and/or against his family member and/or against his property, or causes him serious concern or distress which has a substantial adverse effect on his day-to-day activities, the person that pursues such course of conduct is liable, on conviction, to imprisonment for a term not exceeding five years, or to a fine not exceeding ten thousand euros (€10,000), or both, provided that the act does not impose a stricter punishment under the provisions of any other law in force. (3) For the purposes of subsection (1), a person shall be deemed that he ought to know that his course of conduct amounts to stalking, if a reasonable person under the same circumstances would consider that this course of conduct amounts to stalking. (4) For the purposes of this section, the following examples of a person's course of conduct amount to stalking: (a) following another person; (b) contacting, or attempting to contact, a person by any means; (c) monitoring the use of a person's email and/or any other form of electronic communication, or sending posts on social media relating to the victim's personal life, or interfering with a person's posts on the internet; (d) obstructing the movement of a person from or to his home and/or workplace and/or a public or private place to which that person frequents, through wandering or loitering in such places; (e) interfering or threatening to interfere with any property owned or possessed by that person; (f) watching or spying on a person.

(a) his course of conduct was pursued for the purpose of preventing or assisting the investigation of an offence, and/or  
(b) his course of conduct was pursued under the provisions of any law in force or a court order or to comply with a condition or requirement imposed to any person under the law or a court order, and/or  
(c) his course of conduct was reasonable under the circumstances.

with any property owned or possessed by that person and watching or spying on the victim". The law further clarifies that a course of conduct is to be understood as displaying such conduct on at least two occasions.

187. Article 4, section 2, then describes a more serious form of stalking, notably when the conduct causes the victim to fear that violence will be used against her/him and/or against a family member and/or against her/his property or causes her/him serious concern or distress which has a substantial adverse effect on her/his day-to-day life. In this case, stalking is punishable by imprisonment for a maximum of five years and/or a fine not exceeding €10 000, provided that the act is not punished more strictly under the provisions of any other law in force. GREVIO notes that this form of stalking indeed clarifies the constituent elements of the offence, mostly in line with the convention but adding an additional requirement. In practical terms, requiring proof that the course of conduct has had a substantial adverse effect on the victim's day-to-day life, however, reverses the burden of proof on the victim, as it shifts the focus onto her behaviour rather than that of the perpetrator by requiring proof of an adverse effect.

188. GREVIO welcomes the fact that the offence as it is currently worded offers due recognition of the fact that many instances of stalking, including post-separation stalking, are carried out via digital means and through technology. It further welcomes the inclusion of a form of stalking which, to a certain extent, reverses the burden of proof onto the perpetrator and lowers the threshold of criminalisation for this type of offence. In addition, GREVIO observes that while it is perhaps too early to see whether case law has emerged and how these provisions are being interpreted and applied, caution should be observed in ensuring that the above-mentioned additional requirement provided by the law is only applied for the more serious forms of stalking and does not apply for the simple form of this offence.

189. Under Article 5 of the Law on Stalking, aggravating factors of the stalking offences are equally listed. GREVIO welcomes in particular the application of aggravating circumstances when the abuser and the victim are partners or ex-partners.<sup>120</sup>

190. **GREVIO strongly encourages the Cypriot authorities to:**

- a. monitor the application of the law on stalking so its provisions are applied in a manner consistent with the definition provided in the Istanbul Convention;**
- b. collect data on the number of cases of stalking, including its online dimension, with a view to building the capacity of all legal professionals to handle this offence.**

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120. These include the following: "(a) the offence was committed against a person who was a member of the convicted person's family at the time the offence was committed, and/or against a person who is related to the convicted person by blood or marriage up to the third degree and/or against a person with whom the convicted person has and/or had a child; (b) the offence was committed against a witness who has testified during the investigation of a case for which an indictment has been filed in connection with the commission of an offence provided for in this Law; (c) the offence was committed against a minor; (d) the offence was committed against a member and/or former member of the victim's family and/or against a person who lives and/or lived together with the victim; (e) the offence was committed against a person performing a public duty and because of the performance of the public duty; (f) the offence was committed against a person with whom the convicted person has or had a romantic relationship; (g) the commission of the offence has endangered a person's life; (h) the offence was committed against a person in a vulnerable position, such as a person with a disability; (i) during or immediately before the commission of the offence, the convicted person had shown hostility, aversion and/or contempt related to the sexual orientation, sex, gender identity, origin, nationality, religion or political belief of the victim and/or other person or persons; (j) the offence was committed due, in whole or in part, to hostility, aversion and/or contempt for the victim because of his relationship with and/or support to any person on the grounds of sexual orientation, sex, gender identity, origin, nationality, religion and/or political belief; (k) the convicted person has previously been convicted of an offence of the same nature; (l) the offence was committed by the convicted person during the exercise of a public function or duty or power".

### 3. Sexual violence, including rape (Article 36)

191. The Cypriot Criminal Code foresees a number of offences that include elements of physical violence, including murder, attempt to murder, manslaughter, killing on provocation, conspiracy to murder, acts intended to cause grievous harm or prevent arrest, grievous harm, assaults causing actual bodily harm, wounding and similar acts. These offences are explicitly cited in the 2021 VAW law also as violence against women offences, which also foresees specific aggravating circumstances, in line with the convention. Moreover, the offences of domestic violence and violence under the 2021 VAW law and the VF law encompass physical harm.<sup>121</sup>

### 4. Sexual violence, including rape (Article 36)

192. GREVIO welcomes the inclusion in the Cypriot Criminal Code of a definition of rape and sexual abuse by penetration, criminalised on the basis of the lack of consent given by the victim.<sup>122</sup> These offences are punishable by a maximum sentence of life imprisonment and attempts to commit these crimes are also punished, respectively, with a maximum sentence of 10 years' imprisonment and life imprisonment. More specifically, while the first offence punishes "vaginal, anal or oral penetration of another person's body without his/her consent or with the consent given as a result of violence, threat or fear", the second offence covers penetration with any part of the body or object, under the same conditions. GREVIO considers that these two offences would therefore cover the acts under Article 36a of the convention. Nonetheless, while it positively notes that these offences are based on the lack of consent given by the victim, GREVIO observes that it would be important to further qualify the concept of consent through legislative or other means, in order to clarify that it should be given voluntarily as the result of the person's free will assessed in the context of the surrounding circumstances. The Criminal Code, under its Article 151, also foresees the offence of indecent assault on females, which is punishable by a maximum prison term of five years.<sup>123</sup> GREVIO understands that this provision would cover the acts of sexual violence listed in Article 36b of the convention, notably engaging in other non-consensual acts of a sexual nature with a person that fall short of penetration.

193. Under its Article 146e, the Criminal Code further prohibits coercion into sexual intercourse or other acts of a sexual nature, defining it as "coercing a person through the use of violence, threats or fear to engage in intercourse or other acts of a sexual nature" and punishing this conduct with a maximum term of imprisonment of 10 years. GREVIO understands that this provision aims to cover the coercion of a victim through violence, threats or fear into non-consensual acts of a sexual nature with a third person. It notes, however, that in this case the use of violence or threats are constituent elements of the offence, at odds with the convention. Article 36c, in fact, aims to cover scenarios in which the perpetrator is not the person who performs the sexual act but who causes the victim to engage in sexual activity with a third person, for example as part of the control and abuse in intimate partner violence. GREVIO underlines, therefore, that also in these cases, the criminal conduct should not require the use of violence, threats or fear but should be based on having caused, without consent, the victim to perform or comply with acts of a sexual nature with a third person other than the perpetrator. GREVIO notes that the above-mentioned criminal law provisions do not appear to cover and implement the acts of sexual violence listed in Article 36b of the convention, notably engaging in other non-consensual acts of a sexual nature with a person that fall short of penetration.

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121. See Chapter I, Purposes, definitions, equality and non-discrimination, general obligations, for an analysis of the offence of domestic violence and the shortcomings noted in this respect.

122. Under Article 144 of the Criminal Code, rape is defined as "Whoever enters into illicit intercourse by vaginal, anal or oral penetration of another person's body, without his consent or with the consent given under the state of violence, threat or fear, is guilty of a crime called rape and is liable to life imprisonment". Under Article 146a, sexual abuse by penetration is defined as "Anyone who enters the vagina, anus or mouth sexually [of] another person's body with any part of the body or object, without his consent or with the consent given under the state of violence, threat or fear, is guilty of a felony and is liable to life imprisonment".

123. Article 151 of the Criminal Code provides that "Whoever unlawfully and indecently assaults a woman is guilty of a crime and is liable to imprisonment of not more than five years".

194. GREVIO further notes that the above-mentioned provisions are listed in the 2021 VAW law as violence against women offences, which also clarifies, under its Article 11, that aggravating circumstances apply if the offence was committed by a former or current spouse, or by a partner, in line with Article 36, paragraph 3, of the convention.<sup>124</sup>

195. Under Article 2 of the Law on Prevention and Combating the Sexual Abuse, Sexual Exploitation of Children and Child Pornography, the age at which a person is considered to be legally competent to consent to sexual acts is 17. The Criminal Code punishes engaging in sexual intercourse with girls below the age of 13 with a maximum sentence of life imprisonment, as well as attempts to commit this offence,<sup>125</sup> and engaging in sexual intercourse with a girl between 13 and 16 years of age is punishable by a maximum prison term of three years.<sup>126</sup> GREVIO notes with regret the extensive difference in criminal sanction for offences of the same nature, with the only differentiating factor being the age of the victim. It also notes that exceptions to criminal liability for sexual intercourse with girls between 13 and 16 can be made. For instance, minors who have reached the age of 16 can marry provided they have parental consent and can engage in sexual acts without it being considered an offence,<sup>127</sup> and sexual acts between minors or between a minor and an adult between whom there is an age difference of less than three years are not considered offences. Finally, Article 155 of the Cypriot Criminal Code punishes sexual intercourse with a woman with a mental disability, provided that that it does not amount to rape, with imprisonment of a maximum term of 14 years.

196. In view of the foregoing, GREVIO warns against the creation of a hierarchy of victims on the basis of their characteristics, such as age, helplessness, disability or other traits and considers that appropriate legislative measures should be taken to send the message that rape is rape. Where consent to a sexual act has not been given voluntarily or where there are elements that preclude consent such as incapacity of the victim, age or other, GREVIO considers that the sanctions should be harmonised and consistent. At the same time, GREVIO stresses that, where the circumstances of the act are particularly violent, abusive and traumatising, aggravating circumstances should be applied to ensure a sanction commensurate with the gravity of the act. This, indeed, is possible by applying the aggravating factors foreseen under the 2021 VAW law.

197. **GREVIO urges the Cypriot authorities to:**

- a. **take legislative or other measures to qualify with more precision the concept of consent in the context of the rape and sexual violence offences criminalised by the Criminal Code, clarifying that it should be given voluntarily as the result of the person's free will, assessed in the context of the surrounding circumstances;**
- b. **align Article 146e of the Criminal Code (on coercion into sexual intercourse or other acts of a sexual nature) more closely to Article 36c of the Istanbul Convention, by basing it on the notion of freely given consent by the victim;**
- c. **ensure harmonised and appropriate sanctions for all sexual acts without the consent of the victim, including where the circumstances of the case preclude valid consent.**

## **5. Forced marriage (Article 37)**

198. Under Article 37 of the convention, states parties are required to criminalise two types of conduct: forcing a person to enter into a marriage and luring a person abroad with the intention of forcing this person to marry against their will (even if the marriage has not been concluded), the core element of forced marriage being the absence of consent of the victim.

124. Rape between spouses is equally prohibited under Article 5 of the VF law.

125. Under Article 153 of the Criminal Code, Defilement of a young woman under the age of 13.

126. Under Article 154 of the Criminal Code, Defilement of a young woman aged 13 to 16.

127. Under Article 154 of the Criminal Code (Defilement of a young woman aged 13 to 16).



199. GREVIO welcomes the adoption by Cyprus of a specific criminal offence on forced marriage, covering, under Article 150 of the Criminal Code, the forcing of any person to marry against his/her will. It notes, however, that this provision does not cover the conduct of luring an adult or a child abroad for the purposes of forced marriage (Article 37, paragraph 2, of the convention). GREVIO further notes that this offence constitutes a misdemeanour and is therefore punishable by a maximum prison sentence of two years and/or a fine.

200. Under Article 14 of the Marriage Act,<sup>128</sup> a marriage can be voided, in principle, in cases of forced marriage. More specifically, under this provision a marriage can be voided if the free consent of the persons entering the marriage is lacking, notably due to a threat, understood as “any action, act or omission that may cause fear in the average reasonable person, that his life, honour, freedom, physical integrity or property or that of his family members will be exposed to an immediate and significant risk, and s/he gives his consent to marriage out of such fear.” While GREVIO welcomes the ability to annul forced marriages under the Marriage Act, it expresses the concern that the requirement that the victim or her family be exposed to an immediate and significant risk may set the bar too high to prove the lack of consent/the existing threat.

201. GREVIO has been informed by the authorities that there have been a few investigations concerning third-country nationals who have been victims of forced marriage. No data, however, have been provided to indicate prevalence rates, the number of investigations opened, indictments made and final convictions handed down. Indeed, reports from civil society underline that, despite an increasing migrant population, forced marriage is not perceived to be a great issue of concern in Cyprus,<sup>129</sup> which is also confirmed by the limited attention given to this form of violence in the context of training of professionals.

202. **GREVIO strongly encourages the Cypriot authorities to:**

- a. criminalise the intentional conduct of luring an adult or a child to the territory of another state with the purpose of forcing this person into a marriage as required by Article 37, paragraph 2, of the Istanbul Convention;**
- b. ensure that forced marriages can be voidable, annulled or dissolved without any undue burden placed on the victim, such as high evidentiary requirements to prove lack of consent.**

## **6. Female genital mutilation (Article 38)**

203. GREVIO welcomes the criminalisation of FGM through a dedicated offence in the Criminal Code, which punishes this conduct with a maximum prison sentence of five years.<sup>130</sup> More

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128. Under Article 14 of the Marriage Act, Article 14: “(1) For entering into a marriage, the free consent of the persons entering into the marriage is required. (2) There is no free consent of the persons entering into a marriage, as required by sub-article (1) of this Article, if any of these persons: (a) is unfit for marriage within the meaning of sub-article (3) of this Article, or (b) is mistaken about the identity of the other person; or (c) has been forced to enter into the marriage by threat, as defined in sub-article (4) of this Article. (3) For the purposes of paragraph (a) of sub-article (2) of this Article, a person incapable of marriage is every person who: (a) subject to the provisions of Article 16, has not attained eighteen years of age, or (b) is unable at the time of marriage to perceive and assess his act in order to consent to marriage, due to mental disorder or failure, or due to brain or other disease or illness, or because of dependence on addictive substances. (4) For the purposes of paragraph (c) of sub-article (2) a threat is defined as: (a) any action, act or omission that may cause fear in the average reasonable person, that his life, honour, freedom, physical integrity or property or that of his family members will be exposed to an immediate and significant risk, and he gives his consent to marriage out of such fear”.

129. See the NGO submission from MIGS, p. 8.

130. Article 233a provides that “(1) Subject to the provisions of subsection (2) it constitutes an offense by any person (a) Who cuts, or in any way mutilates of the whole or part of the labia majora or the labia minora of a woman’s vagina or clitoris; or (b) who assists, instigates, [advises] or causes the execution by a third party, of any of these acts on a woman’s body. (2) The acts specified in subsection (1) do not constitute an offense if performed by a physician and their execution is necessary, either for the physical health of the woman upon whom they are executed, or executed upon a woman who is at any stage of labour, or after it, and is associated with childbirth: It is understood that the above acts are performed only after consultation with two other doctors. (3) Consent of the woman on whom the acts set out in subsection (1) are performed does not constitute a defence or mitigation in sentencing. (4) Regardless of the provisions of article 5 of the Law, its Courts of the Republic have the power to adjudicate an offence in violation of the provisions of this article, committed by a citizen or not of the Republic and is committed inside or outside the Republic. (5) Offences committed in violation of the provisions of this Article, shall be punished by imprisonment of up to five years”.

specifically, under Article 233A of the Criminal Code, Cyprus has criminalised all acts foreseen under Article 38, indents a, b and c of the convention – that is, in addition to the mutilation of female genital organs, it has also prohibited the assisting, instigating, providing advice or causing the execution by a third party of FGM. This is particularly important as it allows to criminalise the latter behaviour irrespective of the final commission of the act of excision, infibulation or any other mutilation. GREVIO notes, however, that it is unclear to what extent the current provision is interpreted as encompassing girls below the age of 18 and is applied to effectively ensure their protection.

204. While no data or prevalence studies exist to identify the prevalence of FGM in Cyprus, reports estimate that in 2018, out of a total population of 758 girls originating from countries where FGM is practised, 12 to 17% were at risk of FGM.<sup>131</sup> Moreover, reports also refer to a number of asylum applications having been received since 2017 by girls, some of which were granted, on grounds of risk of FGM.<sup>132</sup> This notwithstanding, no investigations appear to have been opened in relation to FGM, with reports indicating that, despite an increasing migrant population, FGM is not perceived to be a great issue of concern in Cyprus. This is also confirmed by the limited attention given to this form of violence in the context of training of professionals.

**205. GREVIO strongly encourages the Cypriot authorities to ensure, through legislative or other measures, the applicability of Article 233A to both women and girls, and its effective prosecution.**

## **7. Forced abortion and forced sterilisation (Article 39)**

206. According to the state report, Cyprus criminalises forced abortion under Articles 167 to 169 of the Criminal Code.<sup>133</sup> GREVIO notes, however, that these provisions appear to prohibit and punish the procurement of an abortion by the woman herself or by others for a woman, outside of the cases in which abortion is deemed to be lawful.<sup>134</sup> Article 39 of the Istanbul Convention, on the other hand, aims to capture the intentional termination of pregnancy without the prior and informed consent of the victim, covering, therefore, any abortion that is performed without a fully informed decision taken by the victim – an aspect which is not covered by the current legislation.

207. There are no indications that forced sterilisation is criminalised in Cyprus, as the authorities have referred to Article 147 of the Criminal Code, which, however, criminalises incest.

**208. GREVIO strongly encourages the Cypriot authorities to criminalise forced abortion and forced sterilisation, in line with Article 39 of the Istanbul Convention.**

131. See the publications “EIGE, How Many Girls are at risk in Cyprus” (2018) and “Female genital mutilation – Estimating the number of girls at risk in the EU Report”, EIGE, p. 82.

132. Ibid. p. 85.

133. Under Article 167, “Any person who with intent to procure miscarriage of a woman by unlawfully administering to her any poison or noxious thing is guilty of a felony and is liable to imprisonment for fourteen years”. Article 168 criminalises “Any woman who, whether she is or is not with child, with intent to procure miscarriage unlawfully administers to herself or causes herself to take any poison or other noxious thing, or uses any force of any kind, or uses any other means whatever, or allows the use of any of the above, is guilty of a felony, and is liable to imprisonment for fourteen years”. While Article 169 criminalises the supplying of drugs or instruments for abortion. Notably, “Any person who unlawfully supplies to or procures for any person anything whatever, knowing that it is intended to be unlawfully used to procure the miscarriage of a woman, whether she is or is not with child, is guilty of a felony, and is liable to imprisonment for three years”.

134. The cases in which abortion is deemed to be lawful are specified under Article 169a of the Criminal Code, which foresees “(1) Notwithstanding the provisions of Articles 167, 168 and 169, no person shall be held guilty of any penal offense on account of any act or omission which did not constitute a penal offense, under national or international law, at the time of registration. the provisions of the Law on Registration of Doctors, in an organized nursing unit and if one of the following cases occurs: (a) Twelve (12) weeks of pregnancy have not been completed; (b) the pregnancy is the result of the rape, sexual abuse of an adult or minor or the sexual abuse of a woman with a mental disability or incest and if nineteen (19) weeks of gestation have not been completed and the abuse or incest: ...; (c) following the opinion of a competent doctor registered in accordance with the provisions of the Law on the Registration of Physicians, according to which, with modern means of prenatal diagnosis, there are signs of fetal abnormality that induce the birth of a newborn with pathological problems; (d) following the opinion of a competent physician registered in accordance with the provisions of the Law on the Registration of Physicians that there is an imminent danger to the life of the pregnant woman or a risk of serious damage to her physical or mental health: It is understood that, if in the above cases the pregnant woman is a minor or a woman with a mental disability, the consent of one of the parents or the person who has custody of the minor or the woman with a mental disability is also required”.

## 8. Sexual harassment (Article 40)

209. GREVIO welcomes the prohibition of sexual harassment through dedicated provisions, both under Article 7 of the 2021 VAW law and Article 12 of the Law on Equal Treatment in Employment.

210. Article 7 of the 2021 VAW law prohibits sexual harassment using much of the same wording employed by the Istanbul Convention – with the exception of non-verbal communication – and provides for sanction of a maximum term of imprisonment of five years and/or a fine not exceeding €10 000.<sup>135</sup> Moreover, GREVIO notes that under the 2021 VAW law, a legal person can also be held criminally and civilly liable for the commission of a violence against women offence such as sexual harassment, under certain conditions, going therefore beyond the provisions of the convention, which GREVIO welcomes.<sup>136</sup>

211. GREVIO further welcomes the criminalisation under Article 9 of the 2021 VAW law of specific forms of sexual and gendered online harassment such as sexual images/videos taken without consent and disseminated online or digitally.<sup>137</sup>

212. As already referred to in this report,<sup>138</sup> under the Law on Equal Treatment in Employment, employers are required to protect their employees from harassment and sexual harassment during employment or vocational education or training or when accessing employment or vocational education or training. More specifically, they must take all appropriate measures to prevent sexual harassment, including by adopting a code of conduct on harassment and sexual harassment. Moreover, they must ensure the cessation and non-recurrence of sexual harassment, as well as the removal of its consequences, where they are aware or have been made aware of such instances, otherwise they are jointly and severally responsible for such actions. Under this law, sexual harassment is understood in a similar manner as under the 2021 VAW law, however, non-verbal communication is expressly referred to.<sup>139</sup> As regards the applicable sanctions, breach of Article 12 is punishable by a fine of €10 000 and/or imprisonment not exceeding three years, where a stricter punishment is not provided for by other provisions. Moreover, and unlike criminal proceedings, Article 14 of the Law on Equal Treatment in Employment foresees the reversal of the burden of proof

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135. Article 7 of the 2021 VAW law provides that “Any person who engages in any form of unwanted, on the part of a woman, conduct of a sexual nature, which is expressed verbally or by actions with the purpose or effect of violating the dignity of a woman, in particular when through this conduct, the said person creates an intimidating, hostile, degrading, humiliating or offensive environment towards this woman, is guilty of an offence and is liable on conviction, to imprisonment not exceeding five (5) years or with a fine not exceeding ten thousand euros (€10,000) or both”.

136. Article 12 of the VAW law foresees “A legal person can be held liable for the commission of an offence of violence against a woman, when this is committed by any person acting either individually or as part of an organ of the legal person, holding a position in it based on (a) a power of representation of the legal person, or (b) power to take decisions on behalf of the legal person, or (c) power to exercise control within the legal person. (2) Without prejudice to the provisions of subsection (1) above, a legal person may be held liable for the commission of an offence of violence against a woman, in case the inadequate supervision or inadequate control on behalf of a person mentioned in subsection (1) rendered possible the commission of the said offence by a person acting under his authority. (3) The liability of a legal person envisaged in subsections (1) and (2) shall not exclude the prosecution of a natural person acting as a principal offender, an accomplice or an accessory to an offence of violence against a woman. (4) A legal person convicted for the commission of an offence of violence against a woman is subject to a fine not exceeding three hundred thousand euros (€300 000): Provided that, in addition to the criminal liability for the commission of an offence of violence against a woman, the legal person shall have civil liability”.

137. Notably, Article 9 of the 2021 VAW provides that “(1) Any person who sends, disseminates, circulates, publishes, spreads, reproduces or broadcasts through any electronic, digital, printed or other means of any nature, material of pornographic or sexual content relating to a woman, without her consent, under conditions of reasonable expectation of privacy, with the purpose of frightening and/or humiliating and/or harassing and/or causing her emotional upset and/or economic or other damage or harm and/or obtaining an illegal economic benefit, is guilty of a felony and is liable on conviction, with imprisonment not exceeding fourteen (14) years. (2) Any person who blackmails or threatens a woman that he/ she will send, disseminate, publish, spread, circulate, reproduce or broadcast through any electronic, digital, printed or other means of any nature, material of pornographic or sexual content relating to a woman, without her consent, is guilty of a felony and is liable on conviction, with imprisonment not exceeding fourteen (14) years”.

138. See Chapter III, Participation of the private sector and the media.

139. The preliminary provisions of the Law on Equal Treatment in Employment define sexual harassment as “unwanted physical, verbal or non-verbal conduct of a sexual nature with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment, during employment or vocational education or training or when accessing employment or vocational education or training”.

to the respondent. In other words, if a claim of sexual harassment is brought before the court, it will be for the respondent to prove that there was no such infringement.

213. As regards the public sector, GREVIO recalls the adoption in July 2018 of the Code of Conduct for the Prevention and Treatment of Sexual Harassment and Harassment within the Civil Service, providing practical guidance on the procedures that should be put in place to handle instances of sexual harassment and foreseeing the reversal of the burden of proof in these cases.

214. GREVIO considers the current legal framework extremely promising. It notes, however, that the absence of data on the number of cases brought, prosecuted and the number of convictions obtained, as well as on the relevant litigation on sexual harassment in the workplace, renders it difficult to assess its effectiveness.

#### **9. Unacceptable justifications for crimes, including crimes committed in the name of so-called honour (Article 42)**

215. GREVIO notes with satisfaction that under Article 16 of the 2021 VAW law, the law expressly states that alleging that a victim has transgressed cultural, religious, social or traditional norms or customs of appropriate behaviour or that any offence was committed against the victim because of the sexual orientation or gender identity of the victim or for reasons of “honour”, neither shall constitute a defence, a mitigating factor or justification for the commission of a violence against a woman offence, in line with the convention.

#### **10. Sanctions and measures (Article 45)**

216. The applicable sanctions provided for under the provisions criminalising various forms of violence against women have been described in the respective sections of Chapter V. These include fines and prison sentences and appear, all in all, to be proportionate and dissuasive, as the example of life imprisonment in the case of rape/sexual violence offences shows. An exception, however, is the offence of forced marriage, which is classified as a misdemeanour and is punishable by a maximum term of imprisonment of two years and/or a fine. GREVIO observes in this respect that, when compared to other forms of violence against women criminalised by the Criminal Code and other relevant laws, the qualification of forced marriage as a misdemeanour sends the message that it is a less grave form of violence against women, clearly in opposition to the spirit of the convention and its Article 45, requiring that sanctions be proportionate and dissuasive.

217. Moreover, GREVIO notes that a number of alternatives to sanctions are foreseen and can be applied in cases of violence against women. For instance, as regards the attendance of perpetrator programmes, while the 2021 VAW law foresees the possibility for the competent court to order the attendance of self-control treatment in addition to the applicable sanctions, the VF law clarifies that “self-control treatment” can be used as a requirement to place a perpetrator on probation rather than sentencing him.<sup>140</sup> Moreover, both the 2021 VAW law under its Article 33, paragraph 4, and the VF law under its Article 23 foresee the possibility for the court to impose a restraining order instead of a sanction or in addition to a sanction when adjudicating a violence against women offence. GREVIO stresses in this respect that, where an offence has been committed, the lack of a criminal conviction goes against the principles and the spirit of the convention, which aims to achieve an effective criminal justice response to all cases of violence against women.

218. In practical terms, the absence of data on the implementation of the relevant provisions criminalising the various forms of violence against women does not allow GREVIO to assess the sentencing practice of judges and whether and to which extent they use the range of sanctions or alternatives to sanctions provided by law.

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140. More specifically, under Article 25 of the VF law, courts may place a perpetrator on probation provided that he submits “to self-control treatment by specialists” or “other conditions deemed necessary by the court” to prevent recidivism.

219. **GREVIO strongly encourages the Cypriot authorities to:**

- a. ensure through legislative and other appropriate measures that sentences and measures imposed for domestic violence and other forms of violence against women covered by the Istanbul Convention are effective, proportionate and dissuasive. This would include ensuring the understanding that ordering the attendance of perpetrator programmes and/or the issuance of restraining orders in domestic violence cases and other forms of violence against women as an alternative to sentencing do not serve the principles of ensuring justice for victims, ending impunity for perpetrators or deterrence;
- b. improve data collection regarding sanctions imposed for the different forms of violence against women covered by the Istanbul Convention, in particular by disaggregating such data based on the sex of the offender and the victim and their relationship and by ensuring that data on convictions are clearly tied to the specific offences to which they are related.

**11. Aggravating circumstances (Article 46)**

220. GREVIO welcomes the inclusion in Article 11 of the 2021 VAW law of all of the aggravating circumstances listed under Article 46 of the convention. These can be taken into account by the competent court, as long as they are not already part of the constituent elements of the crime. GREVIO notes, however, that as far as domestic violence is concerned, parallel provisions on aggravating circumstances are currently in place under Article 4 of the VF law which do not encompass all the circumstances listed under Article 46 of the convention. As stated earlier in this report, the absence of data on the implementation of provisions criminalising the various forms of violence against women, including domestic violence, does not allow GREVIO to assess the sentencing practice of judges and whether and to what extent they use aggravating circumstances.

221. **GREVIO strongly encourages the Cypriot authorities to ensure that all of the aggravating circumstances provided under Article 46 of the Istanbul Convention can be taken into account as aggravating circumstances in the determination of a sentence in cases of domestic violence.**

**12. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)**

222. GREVIO welcomes the prohibition by law of mandatory dispute resolution processes – both in criminal and in civil law. Mediation in the context of family proceedings is not mandatory and can be proposed where there is no indication of domestic violence, but must be terminated in any case where such an indication arises.

223. More specifically, while the family court has the discretion under Article 17 of the Law on Mediation in Family Disputes to propose mediation if it deems that the dispute between the parties has a likelihood of being resolved through this process, it also states that the judge must take into account, *inter alia*, whether from the evidence before him/her, the case may contain evidence of domestic violence and whether mediation is in the best interests of the child. Moreover, this law clearly states that mediation is based on the voluntary participation of the parties and must take into account any situation which may render one of the parties vulnerable. Moreover, the mediator must terminate mediation proceedings if violence occurs<sup>141</sup> and can terminate it where s/he considers that one of the parties is unable or unwilling to participate in the proceedings freely and fully and to prevent manipulative, threatening or intimidating behaviour or imbalance in power.<sup>142</sup>

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141. See Article 32 of the Law on Mediation in Family Disputes.

142. See Article 10 of the same law.

## **VI. Investigation, prosecution, procedural law and protective measures**

224. Full accountability for all acts of violence against women requires an adequate response from law-enforcement agencies and the criminal justice sector. Chapter VI of the Istanbul Convention establishes a set of measures to ensure criminal investigations, prosecutions and convictions of the various forms of violence covered therein.

### **A. General obligations, immediate response, prevention and protection (Articles 49 and 50)**

225. A key principle of an adequate response to violence against women is that of swift and effective investigations and judicial proceedings that are based on a gendered understanding of these types of offences and that take into consideration the rights of the victim during all stages.

#### **1. Reporting to, immediate response and investigations by law-enforcement agencies**

226. Cyprus's police force numbers 4 894 police officers, 26% of whom are women. Since 2021, six specialist investigative units responsible for investigating cases of domestic violence have been set up throughout Cyprus. The domestic violence special investigative units are staffed with 56 investigators, 32 of whom are women, and are hierarchically under the supervision of divisional crime investigation departments, which equally include units that investigate cases of rape/sexual violence. While noting that the foregoing are very recent developments, the impact of which has yet to be fully assessed, the work of these specialist units has been recognised by different stakeholders to have engendered an increase in reporting of cases of violence against women, which GREVIO welcomes.<sup>143</sup> Indeed, prior to their existence, cases of domestic violence and or gender-based violence against women were investigated by local police stations, the proximity of which was considered by civil society to frequently lead to the dismissal of the cases.<sup>144</sup>

227. GREVIO has been informed that officers from the specialist domestic violence investigative units, who receive reports on domestic violence and carry out the related investigations, have received dedicated training. More generally, as already noted in this report, initial training and in-service training on certain aspects of violence against women and domestic violence has been provided in recent years to all police officers. GREVIO notes, however, that such training appears to have focused primarily on domestic violence and rape and much less, if at all, on other forms of violence outside of the intimate partner context (such as stalking, FGM or forced marriage). Moreover, as will be highlighted in the paragraphs below, the training has yet to translate into a strong and effective criminal justice response capable of stemming impunity for acts of violence against women.

#### **2. Effective investigation and prosecution**

228. At the outset, GREVIO notes that the insufficient collection of statistical data on the number of reports received by the police, the investigations opened, indictments made and final convictions handed down by courts, for all forms of violence against women, renders an assessment of attrition rates and the identification of gaps in the criminal justice response to violence against women a very complex task.

229. Nonetheless, reports and information obtained by GREVIO are consistent in pointing to rampant prejudices and patriarchal attitudes among the police, as well as excessive administrative requirements and red tape that have led in many cases, and recently, to a failure to record incidents

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143. See, for example, the state report, p. 4.

144. Information obtained during the evaluation visit.

of violence against women and to detect patterns of abuse, leading also to tragic outcomes.<sup>145</sup> In practical terms, until recently, for an investigation to be opened, the victim needed to provide a sworn affidavit or a formal written statement, in the absence of which no follow-up of the case would ensue. Migrant/asylum-seeking women have been faced with particular challenges in this respect, such as in the case brought to the attention of GREVIO by civil society of an asylum-seeking woman who repeatedly reported incidents of domestic violence and death threats to the police and who was brutally murdered by her husband in January 2020. GREVIO's attention has been drawn by civil society to the fact that, during one of the instances in which the victim attempted to report the violence to the police, the report was not recorded because a sworn translator was not available and medical proof had not been secured. In the area of sexual violence and rape, another example of victim-blaming attitudes and inaction of the police is the grave and highly mediatised case of a young British national who alleged being gang raped in July 2019. The young woman turned from being a victim to a suspect after six hours of questioning by the police, in the absence of a defence lawyer, in which she alleged being pressured to withdraw her statement. As a result of this, the investigation into the gang rape was immediately closed and replaced by an investigation for "public mischief" for having lied about the rape, followed by a conviction in first instance and a four-month suspended prison sentence. Even after the reversal of this judgment by the Supreme Court, ascertaining serious shortcomings into the investigation of the case by the police and the prosecutor, as well as violation of the right to a fair trial, to this day, the investigation into the gang rape has not resumed.

230. GREVIO notes that the above shortcomings, in turn, have led to significant underreporting by victims of violence against women due to lack of trust in the institutions.<sup>146</sup> Moreover, those few investigations/prosecutions that do take place have primarily focused on domestic violence and, to a limited extent, rape, to the detriment of other equally serious forms of violence against women, including forced marriage, stalking (outside of the domestic violence context) and FGM.

231. As regards evidence collection, GREVIO's understanding is that thus far, in cases where the victim withdraws her statement, prosecution has often not been pursued as a result of insufficient additional evidence having been collected. GREVIO notes that law-enforcement authorities, under prosecutors' guidance, primarily rely on the testimonies of the victim and the perpetrator and, in some cases, on those of witnesses. Such over-reliance on the victim's statement and the failure to collect additional evidence have resulted in a low number of cases proceeding successfully along the criminal justice chain and ending with a conviction. GREVIO would like to recall that a victim's withdrawal of a statement or the refusal to testify is frequent in cases of domestic violence characterised by power and control dynamics, as well as in other instances of violence against women. For this reason, GREVIO stresses the vital importance of proactively and rigorously collecting all relevant evidence in addition to the victim's statement. This is especially important to ensure effective *ex officio* prosecution of crimes of violence against women, as required by Article 55 of the convention. Law-enforcement authorities' collection of evidence should entail documenting injuries (with the consent of the victim), taking photographs of the crime scene, collecting DNA samples, taking statements from neighbours and any other potential witnesses, and identifying abuse perpetrated through digital means such as the threat of or the sharing of images without consent, or stalking through spyware or other technical devices.

232. On a positive note, and in response to the above-mentioned shortcomings, as well as with a view to aligning legislation and practice with the Istanbul Convention, some welcome legislative and other measures have been taken through the 2021 VAW law and the new protocols in the area of gender-based violence against women adopted by the police. Notably, Article 20 of the 2021 VAW law now clarifies that investigations must be opened and prosecutions must be initiated whether or not a formal complaint has been filed by the victim, with the possibility of continuing criminal

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145. See, for example, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment – the Concluding Observations on the Fifth Periodic Report of Cyprus, CAT/C/CYP/CO/5, 23 December 2019, p. 7.

146. See, for example, the Convention on the Elimination of All Forms of Discrimination against Women, Committee on the Elimination of Discrimination against Women, Concluding observations on the eighth periodic report of CEDAW CO/8 2018, Cyprus 25 July 2018, p. 8.

proceedings even in cases where the victim withdraws her complaint. Moreover, under Article 22, prosecutors and courts must, *inter alia*, ensure that criminal proceedings for violence against women offences are conducted without delay and without worsening the trauma of the victim and prosecution and court officials must be duly trained in the area of violence against women.

233. Furthermore, the authorities have shared with GREVIO three protocols currently in force providing guidance on investigations on domestic violence, rape and gender-based violence more generally.<sup>147</sup> The domestic violence protocol helpfully calls for immediate investigations, the systematic carrying out of a risk assessment, the need to open a criminal file for all reports of domestic violence and an obligation to check for prior complaints. It also stresses the importance of continuing an investigation even if the victim does not wish to proceed with the case. On the other hand, GREVIO notes that this protocol does not provide a detailed indication of the importance of collecting all relevant evidence in addition to the victim's and perpetrator's testimony. GREVIO underscores the importance of specific training and guidance in this respect for the reasons mentioned in the previous paragraph. As regards the protocol on gender-based violence, GREVIO notes that while it also calls for prompt investigations, the carrying out of a risk assessment and the taking of adequate protection measures for the victim, it focuses, once again, on the victim's statement and is not specific to the various forms of violence against women. Finally, GREVIO welcomes some positive elements contained in the 2021 protocol on rape, including the requirement that statements must be taken by a police officer of the same sex as the victim and that the investigation must continue even if the victim does not give a statement. Moreover, detailed guidance is provided with regard to the taking of evidence, including, *inter alia*, the examination of the crime scene for evidence and the taking of photographs, taking statements from neighbours and any other potential witnesses and checking CCTV footage. While GREVIO welcomes this guidance, it also underscores the importance of ensuring that such protocol does not focus exclusively on proof of the use of physical violence/threats or coercion.

234. In sum, GREVIO considers that redoubled action and training is required in order for the new legislation and protocols to bear fruit.<sup>148</sup> For example, the authorities have confirmed that to this date, proceedings on gender-based violence come to an end when a victim withdraws her statement, despite the new provisions and guidance currently in place.<sup>149</sup>

### 3. Conviction rates

235. While statistics on the number of convictions handed down for all forms of violence against women and the sanctions applied are not available, nonetheless, reports and civil society confirm that conviction rates in the area of gender-based violence are extremely low and the penalties imposed are not dissuasive.<sup>150</sup> This is certainly also attributable to the lack of mandatory initial and in-service training for judges and prosecutors on all forms of violence against women. As has been described in this report, GREVIO's attention has also been drawn to concerns that some judges and prosecutors have displayed sexist and misogynist attitudes towards women victims of domestic violence and sexual violence/rape, downplaying the violence, and appeared to have an inadequate understanding of the paradigmatic shift in proving rape since the amendment of the law. Indeed, GREVIO confirms that there does not appear to be any guidelines for judicial proceedings in cases of gender-based violence against women, nor have the authorities identified and addressed all factors that contribute to attrition, in order to increase the number of convictions. GREVIO is therefore concerned that, overall, there is an ineffective judicial response to domestic violence, sexual violence/rape, stalking, digital forms of violence against women, sexual harassment, FGM and forced marriage, which must be urgently addressed.

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147. Issued, respectively, in 2021, 2020 and 2021.

148. See Chapter III, Training of professionals.

149. See, in this respect, the state report, p. 48, indent G.

150. See, for example, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment – the Concluding Observations on the Fifth Periodic Report of Cyprus, CAT/C/CYP/CO/5, 23 December 2019, p. 6.



236. **GREVIO urges the Cypriot authorities to:**

- a. **provide the newly established specialist investigative units on domestic violence with the training, guidance and the expertise to handle other cases of violence against women, beyond domestic violence, such as stalking, digital forms of violence against women, sexual harassment, FGM, forced marriage and rape;**
- b. **analyse and assess to what extent the new protocols in place on gender-based violence are being applied, including the obligation to open an investigation, regardless of the lodging of a formal complaint by the victim;**
- c. **provide guidelines for prosecutors and judges for judicial proceedings in the area of gender-based violence against women;**
- d. **identify and address all factors that contribute to attrition, in order to increase the number of convictions.**

**B. Risk assessment and risk management (Article 51)**

237. Concern for the victim's safety must lie at the heart of any intervention in cases of all forms of violence covered by the Istanbul Convention. Article 51 thus establishes the obligation to ensure that all relevant authorities, not just law-enforcement authorities, effectively assess and devise a plan to manage the safety risks a victim faces on a case-by-case basis, according to standardised procedures and in co-operation with each other.

238. GREVIO congratulates the authorities on the obligation now foreseen under Article 21 of the 2021 VAW law, as well as under Article 21 of the Law on the Establishment of Minimum Standards on the Rights, Support and Protection of Victims of Crime, to systematically carry out a risk assessment for victims of domestic violence. The aim of such a tool is to assess the lethality of the risk, the risk of repeated violence, how to manage the risk and the need for protection measures, including special protection measures during criminal proceedings. Under the 2021 VAW law, if the risk is assessed as high, the police are required to co-operate with social welfare services, mental health services and medical services to further assess the needs of the victim. Article 21 of the 2021 VAW law also helpfully specifies that child victims must undergo a separate risk assessment and that, more generally, if the circumstances of the victims change significantly, the services concerned must take appropriate measures to ensure that the risk assessment is updated throughout the criminal proceedings. GREVIO also positively notes that a dedicated protocol on risk assessments was issued in 2018, based on internationally recognised risk-assessment tools, adapted to the Cypriot context. This tool has been accompanied by dedicated training on its use and includes 12 red flags to be taken into account, in line with international standards.<sup>151</sup>

239. According to the authorities, in principle, the risk assessment is to be carried out immediately, once the police have received a statement from the victim. Moreover, as has been described earlier in this report, GREVIO is aware that weekly meetings are held at the Women's House with professionals from different support services to discuss individual high-risk cases, create a risk-management plan for the victim and ensure the implementation of risk-management measures.

240. While welcoming the sound legal framework for the assessment and the management of victims' risk, GREVIO notes, nonetheless that a number of additional measures should be taken to comply with the convention's standards. First, the risk-assessment tool should be available for all forms of violence against women, not just domestic violence. By way of example, there is no risk-assessment tool to assess the risk that a victim or her daughter/siblings may be subject to FGM and allowing the timely taking of protective measures such as travel bans. Second, as has been acknowledged by the authorities in the state report, there is no evidence of the effective and

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151. These include the perpetrator's opposition/reaction to a recent or ongoing separation/divorce; the perpetrator's opposition/reaction to recent or evolving changes in child care; making threats to kill the victim and/or suicide by the perpetrator; use of violence with the use of an object or weapon; the escalation of the frequency and intensity of the violence used; pregnancy or recent childbirth of a victim; the social isolation of the victim; alcohol or substance abuse; a psychiatric condition of the perpetrator, especially any discontinuation of prescribed medication; intense jealousy and/or stalking of a victim by the perpetrator; previous domestic or other violence; possession of and/or access to a firearm.

systematic use of the risk-assessment tool by the police. Third, while GREVIO welcomes the discussion of high-risk cases in the context of the Women's House, it notes that despite the obligation to do so, the risk assessment is not repeated at all relevant stages of proceedings and based on information from all relevant stakeholders such as prosecutors, the judiciary and, where applicable, educators. GREVIO notes in this respect that where key information from other stakeholders such as schools or the judiciary is missed, co-ordination and the safety of the victim can be compromised. Finally, another issue of concern is that the mini case conference only takes place in Nicosia, through the Women's House, depriving, therefore, victims living in other areas of Cyprus of this important step in the procedure.

**241. GREVIO strongly encourages the Cypriot authorities to take all necessary measures to ensure that:**

- a. dedicated risk-assessment tools to assess the risk of all victims of gender-based violence against women are developed and applied in practice, systematically;**
- b. risk assessments are carried out in a co-ordinated manner, between all institutions concerned, including, prosecutors, the judiciary and, where applicable, educators and are repeated at all relevant stages of criminal proceedings;**
- c. all victims of violence against women, wherever they reside in Cyprus, benefit from co-ordinated risk assessment and management.**

### **C. Emergency barring orders (Article 52)**

242. Under Article 52 of the convention, in situations of immediate danger and where harm is imminent, the authorities should be granted the power to order the perpetrator to leave the residence of the victim or person at risk for a specific period of time and to prohibit the perpetrator from entering the residence or contacting the victim or person at risk. GREVIO notes that the VF law and the 2021 VAW law contain parallel provisions on interim protection orders, foreseeing slightly different requirements but both diverging, including with respect to their practical application, from the aims and spirit of Article 52.

243. More specifically, under Article 22 of the VF law, pending an investigation and upon application by a member of the family, the police or the prosecutor, the court may issue, interchangeably, either an interim order to restrain the suspect or an interim order to remove to safety a child victim, until the trial of the suspect. To this end, a sworn affidavit (statement) must be attached to the request, as well as any other evidence available that can prove a *prima facie* risk of use/repetition of violence. The interim order is valid for a period of up to eight days and can be further extended upon its expiry by the court, provided that the total validity does not exceed 24 days.

244. Similar provisions are foreseen under Article 30 and 32 of the 2021 VAW law, but with slightly more favourable requirements for the victim. Notably, unlike the VF law, under Article 30, the court may order the interim removal of the victim to a place of safety, also following an *ex parte* application from the victim, and the interim order can be renewed for a total of no more than 60 days. Moreover, under Article 32 of the 2021 VAW law, the court can issue an interim order for the removal of the suspect also *ex parte*, consisting in an order to alternatively refrain from approaching the victim or remain in the common residence, or approach the place of work or other place. Here too, the interim order can be renewed for a total of no more than 60 days prior to the criminal proceedings starting and, once these proceedings are instituted its validity can be extended.

245. First, in the light of the above provisions, GREVIO notes that both the VF law and the 2021 VAW law contain parallel provisions on interim protection orders (emergency barring orders or EBOs), foreseeing divergent and conflicting requirements. Indeed, the authorities have confirmed that in cases of domestic violence, both laws could, in principle, be applied. GREVIO considers that this state of affairs is liable to generate confusion among legal practitioners and, in GREVIO's view, also has a bearing on legal certainty.

246. Furthermore, the above-mentioned provisions interchangeably allow the court to either order the removal of the victim/child victim or to issue a restraining order against the suspect. GREVIO recalls in this respect that under Article 52 of the convention, EBOs should ensure the safety of victims without forcing them to hurriedly seek safety in a shelter or elsewhere. The burden of leaving the home is in fact shifted to the perpetrator who should be ordered to immediately vacate the residence of the victim and who should be barred from returning “for a sufficient period of time” and from contacting the victim and her children, where applicable. Moreover, GREVIO’s attention has been drawn by civil society to the fact that, in practice, pending the investigation and provided that arrest and pretrial detention is not possible, the removal of the victim/children is preferred.

247. GREVIO further notes that the above-mentioned provisions require the presentation of a sworn statement and any other evidence capable of proving a prima facie case of risk of violence/repetition of violence and does not set a specified time by which the relevant authorities must request such an order and the court must approve it. Indeed, it appears that where such interim restraining orders are requested, they can take up to several months to be issued by the competent court. GREVIO is concerned that the absence of stringent time limits coupled with the requirement to provide evidence, including a sworn statement, do not enable the criminal justice system to react quickly to a situation of immediate danger, without lengthy proceedings, putting the safety of the victim first.

248. On another point, for the requirement under Article 52 of the convention to develop practical effect, the EBO should in principle extend to children in need of protection. The available information, however, indicates that where an interim restraining order is issued against the suspect, this does not automatically extend to children. A separate motion would in fact need to be filed by the victim through civil proceedings under the Parents and Children’s Relations Law.

249. Statistics on the number of interim orders that have been issued by courts, on their breach or on the sanctions imposed are not available. Nonetheless, the data that were extrapolated for GREVIO indicate that out of 3 362 reports of domestic violence received in 2021, in 11% of these cases interim restraining orders against the perpetrator were issued.<sup>152</sup> The authorities acknowledge that, in practice, the issue of a court order depends on the discretion of the judges, who, due to the lack of training and awareness of these matters, often reject these requests.<sup>153</sup> Moreover, GREVIO notes that the emergency barring orders that are issued do not appear to be monitored, nor is there evidence that, in case of any breach, sanctions are imposed as per the applicable laws.

**250. GREVIO urges the Cypriot authorities to take legislative and other measures to ensure that:**

- a. a clear legal framework governing emergency barring orders in cases of domestic violence is in place, avoiding any overlaps between the applicable provisions;**
- b. emergency barring orders can be issued quickly, in situations of immediate danger without lengthy proceedings and with specified and stringent time limits for their request and approval;**
- c. emergency barring orders ensure that the perpetrator is removed from the residence, rather than the victim;**
- d. children can be included in the same order with the abused parent, in cases where the children are direct victims or have witnessed the violence;**
- e. efforts are made to promote, monitor and enforce emergency barring orders, including through protocols;**
- f. sanctions for breaching protection orders are effectively applied in practice.**

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152. In 2021, 383 interim restraining orders were issued against the perpetrator.

153. See p. 40 of the state report.

#### D. Restraining or protection orders (Article 53)

251. GREVIO notes that many of the shortcomings described under the analysis of Article 52 also apply, *mutatis mutandis*, to the legal framework and its practical implementation concerning restraining orders. Notably, both the VF law and the 2021 VAW law contain parallel provisions on restraining orders, foreseeing differing and conflicting requirements and, at the same time, diverging partly or completely from the aims and spirit of Article 53 of the convention.

252. More specifically, restraining orders for victims of domestic violence and violence against women can be requested under Article 23 of the VF law and Article 33 of the 2021 VAW law, as well as under Article 6 of the law on stalking, in cases of stalking during criminal proceedings.<sup>154</sup>

253. Under Article 23 of the VF law, restraining orders prohibiting the perpetrator from entering or remaining in the marital residence can be issued by a criminal court once the suspect has been charged with a domestic violence offence for a set period, which can be extended. The issue of a restraining order is, however, subject to some stringent requirements, notably: proof that the perpetrator has a history of domestic violence or that he has been convicted twice in the last two years for similar offences; evidence that the violence has caused such bodily, sexual or mental harm as to endanger the life, integrity or sexual or mental health of the victim; a refusal by the perpetrator to undergo a perpetrator programme (self-control treatment). Moreover, under this article, restraining orders can replace a sanction or can be issued together with a sanction and any breach thereof is punishable by a prison term up to a maximum of two years.

254. GREVIO notes that this provision is not in line with Article 53 of the convention on many fronts. First, these restraining orders can only be applied in respect of a wedded couple, thus excluding non-married partners, and apply only in relation to the marital home. It therefore does not provide for “no contact” or “no go” protection orders ensuring that the perpetrator does not approach the victim or remains at a distance from certain places the victim frequents. The restraining order provided under this article, equally, cannot be considered to be available for immediate protection as required by Article 53, as it imposes very high evidentiary requirements and levels of harm already inflicted on the victim before it can be issued.

255. Under Article 33 of the VAW law, restraining orders can be issued by a criminal court to ensure the protection of the victim from any form of violence against women, including domestic violence, and can be renewed and extended where needed. This provision has a broader scope than that of the VF law and provides criminal courts with the power to issue a restraining order against a person charged of a violence against women offence for the period it considers necessary, prohibiting the perpetrator from entering, approaching or remaining in the common residence or from approaching the place of work of the victim or any other place it deems fit. Also under this provision, the restraining order can be issued as an alternative to a sanction or in addition to a sanction and breach thereof can be punishable by a prison sentence of up to a maximum of two years. GREVIO positively notes that this provision enables all victims of violence against women to benefit from a restraining order and considers it to be broadly in line with the convention’s standard. Nonetheless, GREVIO recalls that where an offence has been committed an application for a protection order instead of a criminal conviction goes against the principles and the spirit of the convention.

256. The authorities have confirmed that in cases of domestic violence both laws could, in principle, be applied. GREVIO considers that this state of affairs is liable to generate confusion among legal practitioners, create a situation of arbitrariness in the decisions issued by the courts and also have a bearing on legal certainty.

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154. Under the law on stalking, the victim, the police or a member of the family can request a criminal court to issue a restraining order on a suspect prohibiting them from approaching or following the victim; and/or prohibiting them from accessing the place of residence/work of the victim or other place s/he frequents; and/or prohibiting the suspect from contacting and/or harassing the victim and/or any other person specified in the order. This restraining order can be issued for eight days and is renewable but cannot exceed 24 days before the filing of a criminal charge against the suspect and can be extended after a criminal charge has been filed against the suspect.

257. Additionally, under the above-mentioned provisions and laws, it is not clear whether continuity is ensured in all cases between an interim restraining order issued prior to the beginning of the criminal trial and a restraining order issued once the perpetrator is charged, thereby ensuring the safety of the victim.

258. Article 53 of the convention also requires states parties to ensure that victims can obtain a protection order irrespective of or in addition to other legal proceedings. Protection orders should thus be available to the victim under civil law, whether or not she chooses to set in motion any other legal proceedings (whether criminal or divorce proceedings, for instance) as research has shown that many victims who would like to apply for a protection order may not be prepared to press criminal charges.<sup>155</sup> In this respect, the authorities have informed GREVIO that victims may ask civil courts for a restraining order under Article 32 of the Court of Justice law and that they may also cover the children of the victim, upon request.<sup>156</sup> GREVIO notes, however, that this provision does not provide a description of the type of restraining orders that can be obtained. Moreover, GREVIO understands that it presupposes that civil proceedings are already pending.

259. Additionally, whether a restraining order is requested in the context of criminal proceedings under the VF law, the 2021 VAW law or the law on stalking, or before a civil court, GREVIO's attention has been raised by civil society to the fact that the situation for child witnesses is not examined *ex officio* to determine whether children should also benefit from a restraining order. It would appear, in fact, that in these cases a separate motion would need to be filed by the victim through civil proceedings under the Parents and Children's Relations Law.

260. As is the case for emergency barring orders, the authorities have confirmed that they do not keep statistics on the number of restraining orders that have been issued by courts, nor their breach or the sanctions imposed. The authorities have equally acknowledged that, in practice, the issue of a court order depends on the discretion of the judges, who, due to the lack of training and awareness of these matters, often reject these requests. Moreover, GREVIO notes that the restraining orders that are issued do not appear to be monitored, nor is there evidence that, in cases of breaches, sanctions are imposed as per the applicable laws.

**261. GREVIO urges the Cypriot authorities to take legislative and other measures to ensure that:**

- a. a clear legal framework governing the issue of restraining orders in cases of domestic violence is in place, avoiding any overlaps between the applicable provisions and ensuring that restraining orders are available to victims for immediate protection, without high evidentiary requirements or other burdens placed on the victim;**
- b. no gap in the protection of the victim arises because of the expiry of any emergency barring order and/or restraining order, by making available successive protection measures that can be applied immediately afterwards;**
- c. restraining orders are available to the victim under civil law, whether or not she chooses to set in motion any other legal proceedings;**

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155. See the Explanatory Report to the Istanbul Convention, pp. 115-116.

156. Under Article 32, "Subject to any Rules of Court, every Court, in the exercise of its civil jurisdiction, may, by order, grant an injunction (interlocutory, perpetual or mandatory) or appoint a receiver in all cases in which it appears to the Court just or convenient so to do, notwithstanding that no compensation or other relief is claimed or granted together therewith: Provided that an interlocutory injunction shall not be granted unless the Court is satisfied that there is a serious question to be tried at the hearing, that there is a probability that the applicant is entitled to relief and that unless an interlocutory injunction is granted it shall be difficult or impossible to do complete justice at a later stage. (2) Any interlocutory order made under subsection (1) may be made under such terms and conditions as the court thinks just, and the Court may at any time, on reasonable cause shown, discharge or vary any such order. (3) If it appears to the Court that in interlocutory order made under subsection (1) was applied for on insufficient grounds, or if the applicant's claim, at whose application the order was issued, fails, or a judgment is given against him as a result of an omission or otherwise, and it appears to the Court that there was no probable ground for his bringing the actions, the Court, may, if it thinks fit, on the application of the party against whom the order was issued, order the payment to him of a reasonable compensation for the expenses and injury occasioned to him by the execution of the order".

- d. **children can be included in the same restraining order as their mothers, in cases where the children are direct victims or have witnessed the violence;**
- e. **efforts are made to promote, monitor and enforce restraining orders, including through protocols;**
- f. **sanctions for breaching restraining orders are effectively applied in practice.**

## **E. *Ex parte* and *ex officio* proceedings (Article 55)**

### **1. *Ex parte* and *ex officio* proceedings**

262. Article 55, paragraph 1, of the Istanbul Convention places on parties the obligation to ensure that investigations into a number of categories of offences shall not be wholly dependent upon the report or complaint filed by a victim and that any proceedings underway may continue even after the victim has withdrawn her statement of complaint.

263. This issue is addressed in the analysis under Article 50, General obligations, immediate response, prevention and protection.

### **2. Victim support in legal proceedings**

264. With a view to empowering victims and to encouraging them to go through with criminal proceedings, paragraph 2 of Article 55 requires parties to ensure that victims' organisations, specifically trained domestic violence counsellors or other types of support/advocacy services may assist and support victims during investigations and judicial proceedings.

265. GREVIO notes that it is not clear to what extent the current legal framework allows victims' organisations to provide psychological or emotional assistance during investigations and criminal and/or civil proceedings, for example by accompanying them to court or preparing them for testifying, nor is it clear whether this happens in practice. A range of provisions are in fact in force, some of which do not appear to be consistent. Notably, the Law on the Establishment of Minimum Standards on the Rights, Support and Protection of Victims of Crime clarifies that during criminal proceedings a victim may be accompanied by his/her legal representative and a person of his/her choice, unless a reasoned decision has been made to the contrary.<sup>157</sup> Moreover, the authorities have indicated in the state report that a counsellor from an NGO can be present when the victim gives her testimony. At the same time, Article 20 of the 2021 VAW law provides that NGOs may provide support to the victim, without intervening in criminal proceedings.

266. As regards the provision of psychosocial support in civil/criminal proceedings to children who are asked to testify or give a statement, the Women's House employs a children's advocate that is responsible for supporting him/her and for ensuring that the rights of the child are taken into account in all procedures, including civil and criminal proceedings. As regards psychological counselling to children, this is offered both by the Women's House/APHVF and by mental health services, the latter upon the referral of social welfare services. Moreover, children who are asked to testify or give a statement during criminal proceedings can do so through recorded testimony, given, for example, in a dedicated room in the Women's House or in the Children's House.<sup>158</sup>

**267. GREVIO invites the Cypriot authorities to step up measures to increase access to support in legal proceedings for all victims of violence against women and for child witnesses, including by promoting and supporting the role of specialist women's organisations. Support should be available not only in criminal proceedings but also in related civil proceedings, such as those instituted to settle a compensation claim, a divorce or custody in domestic violence cases.**

157. See Article 19 of the law.

158. Notably, under Article 3 of the Protection of Witnesses Law of 2001 (Law 95 (I)/2001) and Articles 22 and 23 of Law on the Establishment of Minimum Standards on the Rights, Support and Protection of Victims of Crime.

## F. Legal aid (Article 57)

268. Under Article 23 of the 2021 VAW law, victims of violence against women can benefit from free legal aid, under the conditions of the Law on Free Legal Aid, in civil proceedings brought against a perpetrator to secure compensation. GREVIO has been informed that legal aid is not provided to a victim should she seek assistance from a lawyer in the context of criminal proceedings. At the same time, GREVIO notes in this respect that under Article 5 of the Law on Legal Aid, free legal aid covering advice, assistance and representation is provided in respect of the criminal proceedings instituted, where the offence relates to human rights violations. It is unclear whether this definition could also be used to apply to cases of violence against women.

269. As regards the ability of a victim of domestic violence to benefit from free legal aid in proceedings on custody and/or divorce, Article 6 of the Law on Free Legal Aid provides that free legal aid consisting in advice, assistance and representation can be provided for proceedings before family courts, concerning issues related to parental responsibility and any other marital or family dispute. Nonetheless, the authorities could not confirm whether this indeed happens in practice.

270. More concerning yet is the convoluted procedure in place and the conditions imposed by the law to benefit from free legal aid. Notably, under Article 7 of the Law on Free Legal Aid, the prospective recipient of legal aid must argue before the court in which the specific proceedings are pending and convince the judge of his/her eligibility, including by obtaining a report from social welfare services attesting to her poor financial situation, all the while paying a lawyer to argue her case. Article 7 specifies that the judge shall issue a certificate for the provision of free legal aid based on the report from social welfare services and “where due regard to the gravity of the case it is desirable and in the interest of justice for the victim to have access to free legal aid”. GREVIO notes that the law does not specify the threshold for benefiting from free legal aid and that judges apply a wide margin of discretion in their decisions. Indeed, civil society has raised GREVIO’s attention to the fact that requests for legal aid are almost always rejected, including in respect to victims who benefit from the Guaranteed Minimum Salary, and have also highlighted that decisions can take more than six months. GREVIO observes that asylum-seeking women face even greater challenges in accessing legal aid.<sup>159</sup> Moreover, it does not appear that legal aid lawyers have benefited from specific training on violence against women.

271. GREVIO is therefore concerned about the legal framework regulating access to legal aid, as well as its practical application, as it significantly restricts the ability of a victim of violence against women to benefit from free legal aid, including, and all the more so, when they are asylum seekers.

**272. GREVIO urges the Cypriot authorities to take the necessary legislative and other measures to ensure women’s effective access to justice through high-quality legal representation, in particular by identifying and remedying any administrative or procedural barriers to obtaining legal aid and ensuring that those victims of violence against women who meet the criteria can benefit from free legal assistance in the context of civil and criminal proceedings.**

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159. See, in this respect, Chapter VII, Gender-based asylum claims.

## VII. Migration and asylum

273. In the area of migration and asylum, the main requirement of the Istanbul Convention is to ensure that residence status laws and asylum procedures do not turn a blind eye to the realities of women living in abusive relationships or subjected to sexual violence and exploitation and other forms of gender-based violence. Residence status laws shall provide for the possibility of obtaining autonomous residence permits for women in specific circumstances (Article 59). Asylum procedures, on the other hand, must be gender-sensitive and allow women to disclose their stories in full, and grounds for persecution shall be interpreted in a gender-sensitive manner. This can only be achieved if, in turn, reception procedures and support services for asylum seekers are sensitive to the needs of women victims or those at risk of violence (Article 60).

### A. Residence status (Article 59)

274. In accordance with Article 78, paragraph 2, of the Istanbul Convention, Cyprus has reserved the right not to apply Article 59 of the convention. The reservation was entered upon ratification in 2017 with a legal validity until 10 November 2022. GREVIO's assessment of the level of implementation of Chapter VII hence focuses on Articles 60 and 61.

### B. Gender-based asylum claims (Article 60)

275. At the outset, GREVIO acknowledges the difficulties that a large and unprecedented influx of migrants and asylum seekers can cause for a small country like Cyprus, placing exceptional pressure on all government and non-governmental bodies that operate in this area. GREVIO expresses its appreciation for the dedication and commitment of the frontline staff in the Asylum Service and of those that operate in the newly established vulnerability assessment screening teams at such a critical moment.

276. Indeed, the authorities informed GREVIO that between 2018 and 2022 the number of arrivals of migrants and asylum seekers increased steeply each year, sometimes doubling. By way of example, while until 2015 the number of asylum applications stood at around 2 500 per year, the Asylum Service of Cyprus in 2022 received in one single month around 1 800 asylum applications,<sup>160</sup> making Cyprus the country with the highest number of registered asylum seekers in Europe per capita.<sup>161</sup> In the vast majority of cases, asylum seekers enter the Republic of Cyprus through the "Green Line", the buffer zone under the control of the United Nations separating the territory on which the Republic of Cyprus exercises effective jurisdiction from the territory on which it does not. This state of affairs prompted the authorities in 2020 to harden the policy on migration and issue a National Action Plan for the Holistic Management of Migration. Under this national action plan a number of measures have been taken which, GREVIO notes, have exacerbated the structural barriers encountered by asylum seekers in securing refugees status, as will be described below.<sup>162</sup> Despite the objective difficulties the authorities are faced with, GREVIO expresses its deep concern about the overall lack of gender-sensitive reception conditions and gender-sensitive asylum procedures for victims of violence against women, as well as significant shortcomings in the provision of adequate specialist support services enabling them to recover physically and psychologically.

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160. Information received during the visit.

161. See "Sexual and Gender-based Violence among Asylum-Seekers in Cyprus", UNHCR and MIGS, 2021, p. 3.

162. See, for example below in this section, the reduction of the deadline for asylum seekers to submit an appeal against a negative asylum decision from 75 to 30 days for cases dealt with under the regular procedure.



## 1. Gender-sensitive asylum determination procedure

277. Article 3c of the Refugee Law provides a non-exhaustive list of acts of persecution that are to be considered within the meaning of Article 1 A of the 1951 Convention relating to the Status of Refugees (the Geneva Convention). These include acts of physical or mental violence, including acts of sexual violence and acts of a gender-specific nature.<sup>163</sup> While the list included in Article 3c of the Refugee Law may allow for recognition of gender-based persecution, the current practice of asylum decision makers does not seem to reflect this.

278. GREVIO notes that statistics are not collected on the number of asylum claims made on the basis of gender-related forms of persecution and the number of decisions granting refugee status on this basis (and on which specific grounds), disaggregated by sex. Nonetheless, civil society has drawn GREVIO's attention to the fact that the number of decisions granting refugee status on the basis of gender-related forms of persecution is extremely low. The only cases referred to by authorities and civil society as having been granted refugee status on these grounds, were, in the past, cases of victims of FGM.<sup>164</sup> However, civil society has brought to GREVIO's attention that currently, as a result of a change in policy, most FGM victims are either denied such status or they are issued with subsidiary protection. GREVIO has been informed that they are denied this status particularly when they have already been subjected to FGM, as the authorities do not consider them to be any longer at risk. In this respect, GREVIO notes that this approach is in denial of the fact that victims of FGM can be at risk of re-infibulation or further cutting if returned to their home country. This may be of particular relevance in the context of marriage, that is, where the procedure has been performed on them as young girls and may be performed a second time ahead of a wedding. It may also be relevant in the context of pregnancy and childbirth.

279. As regards the granting of subsidiary protection, GREVIO notes that since 2014 the Refugee Law has no longer foreseen a right to family reunification for beneficiaries of this form of international protection. Additionally, since 2020, a restrictive policy has been in place refusing to issue or renew residence permits to newly born children or spouses when the family relationship was formed post-recognition of subsidiary protection.<sup>165</sup> Overall, therefore, GREVIO considers that the current policy of providing subsidiary protection rather than refugee status in cases of FGM can place female child victims of FGM at risk of being subjected to the same type of persecution as their mother in their home country. Other than for reasons of FGM, GREVIO was not informed of any other cases of refugee status having been awarded on the basis of other gender-related forms of persecution, which GREVIO finds worrying. In this connection, on the basis of a sample of women and girl asylum seekers who had arrived in Cyprus, a report found that 50% had experienced one or more forms of gender-based violence against women and that, out of those women, 69% had requested refugee protection on those grounds of persecution.<sup>166</sup>

280. Concerning more specifically the requirement under Article 60 of the convention to ensure a gender-sensitive asylum determination procedure, Article 17 of the Law on Refugees requires the Asylum Service to take into account in the implementation of the law the specific situation of vulnerable persons, including persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence. Indeed, under this law, an individual assessment must be carried out to determine whether the person is vulnerable and has special reception needs or requires special procedural guarantees.<sup>167</sup> Women who are part of a family unit are heard separately from their husband during the relevant interviews. Moreover, the asylum seeker may express a preference in respect of the sex of the case worker and the interpreter. Finally, the

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163. Article 3c of the Refugee Law specifies that acts of persecution within the meaning of Article 1 A of the 1951 Convention relating to the Status of Refugees must: (a) be sufficiently serious by their nature or repetition as to constitute a severe violation of basic human rights, in particular the rights from which derogation cannot be made under Article 15(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms; or (b) be an accumulation of various measures, including violations of human rights, which is sufficiently severe as to affect an individual in a similar manner to that mentioned in (a).

164. The state report clarifies that a woman or a girl can claim asylum on the grounds that she belongs to a particular social group that practises FGM.

165. Information received during the visit.

166. See "Sexual and Gender-based Violence among Asylum-Seekers in Cyprus", UNHCR and MIGS, p. 20.

167. See below for more information on vulnerability assessments.

authorities have informed GREVIO that there is currently a team of caseworkers trained in processing cases from vulnerable groups, including from victims of violence against women, although no specific guidelines have been issued to ensure a gender-sensitive asylum determination procedure.<sup>168</sup> Furthermore, training of caseworkers and judges on gender-based violence and on vulnerability factors is not systematic and has been executed on an ad hoc basis, with special and adapted interviewing techniques being used depending on the caseworker who is in charge.<sup>169</sup> Some additional shortcomings identified by GREVIO that have a direct bearing on the compliance with Article 60 of the convention include the insufficient provision of information to women on their right to lodge an independent asylum claim, including on grounds of gender-based persecution, and the relevant support services available to victims of gender-based violence.<sup>170</sup> Moreover, civil society has alerted GREVIO about the excessive duration of asylum claims lodged by individuals identified as vulnerable, including victims of violence against women, and of the excessive length of interviews by caseworkers, who are not mindful of victims' trauma.

281. This is compounded by a number of structural and grave shortcomings in the asylum determination procedure which, taken together, make it virtually impossible for asylum seekers, including victims of violence against women, to obtain refugee status and/or overturn a negative first-instance decision. More specifically, GREVIO understands that asylum seekers do not have access to legal aid at the first-instance administrative level of the asylum process. Furthermore, decisions rejecting refugee status have been described by civil society as not detailing the reasons for the rejection and being provided in Greek only, thereby limiting asylum seekers' ability to properly appeal against the decision. Moreover, under the Refugee Law as recently amended, asylum seekers now only have 30 days to appeal against a decision before the Administrative Court. At this stage, the asylum applicant is faced with compound difficulties, including the fact that the Administrative Court is difficult to reach from the remote reception centres asylum seekers are often accommodated in and the extremely limited opening hours of the Administrative Court, which closes at 10 a.m. An additional obstacle is the extra burden placed by the Law on Free Legal Aid on asylum seekers who wish to receive legal aid. The latter must, in fact, first convince the judge of the probability of the success of their case in an adversarial procedure and against the office of the prosecutor general. Moreover, they must obtain a report from the social welfare office, formalities which are difficult, if not impossible, to ensure within the 30-day time limit.<sup>171</sup> The complexity of such proceedings may require the assistance of a lawyer to argue their claim for legal aid and, therefore, the payment of lawyers' fees. Additionally, court fees and, in practice, the fees associated with interpretation place an additional burden on asylum-seekers. Finally, asylum-seekers risk losing welfare benefits they have been granted if they leave, even temporarily, the reception centre where they are accommodated.<sup>172</sup>

282. GREVIO notes that while many of these above-mentioned shortcomings would require the taking of legislative or other statutory measures, the competent authorities have also underscored the need to address other underlying causes. These include the understaffing of the relevant bodies/institutions, including the Administrative Court<sup>173</sup> and the Asylum Service, and the insufficient training and the frequent turnover of staff. In particular, they have highlighted that the use of short-term contracts for employing staff in the Asylum Service and the unsustainability that entails leads to the frequent turnover of staff and the loss of precious expertise.

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168. See the state report, p. 51.

169. See, in respect this, AIDA, Asylum Information Database, Country report Cyprus, p. 52.

170. The authorities informed GREVIO at the time of the evaluation visit that to remedy this gap they were in the process of developing a special information leaflet addressing women's rights.

171. See Article 6b of the Law on Free Legal Aid.

172. Information obtained during the visit.

173. Leading to a significant backlog of pending appeals.

283. **GREVIO urges the Cypriot authorities to take legislative or other measures to:**

- a. **collect statistics on the number of asylum claims made on the basis of gender-related forms of persecution and the number of decisions granting refugee status on this basis (and on which specific grounds), disaggregated by sex and the type of gender-based violence;**
- b. **ensure that all forms of gender-based violence, including cases of forced marriage, can be recognised as a form of persecution within the meaning of Article 1 A (2) of the 1951 Convention relating to the Status of Refugees;**
- c. **guarantee that adequate information is provided, at all phases of the reception, asylum determination and appeal processes, to all women seeking asylum with the aim of increasing their awareness of their vulnerabilities and their rights and facilitating their access to general and specialist protection and support services;**
- d. **simplify the procedure for asylum-seeking women to obtain free legal aid and ensure the provision of quality legal representation throughout the asylum application process, starting from the first interview;**
- e. **ensure that lawyers, decision makers and judges have access to gender guidelines and are trained on a gender-sensitive interpretation of all grounds of persecution provided for in Article 1 A (2) of the 1951 Convention relating to the Status of Refugees;**
- f. **address and resolve the structural shortcomings in the asylum determination procedure which gravely impact on violence against women victims' chances to secure refugee status, including: the insufficient and unsustainable staffing of the Asylum Service and the Administrative Court; the insufficient justifications of first-instance decisions, which do not detail the reasons for the rejection of claims; the short deadline for appealing against the first-instance decisions before the Administrative Court; the Administrative Court's limited opening hours; and the requirement to pay court fees as well as interpretation fees.**

**2. Accommodation**

284. Asylum seekers can be accommodated in three reception centres in the Republic of Cyprus. These include the reception centre of Pournara, with a capacity of 450 persons in the main camp and 550 persons in an area foreseen for quarantine purposes. In addition, a buffer zone adjacent to Pournara camp was built to accommodate 600 persons in tents, in cases of mass influx. The remaining two reception centres are the one located in Kofinou, with a capacity of 400 persons, lodging primarily families and single women, and the one located in Limnes, with a capacity of 800 persons but lodging, at the time of GREVIO's evaluation visit, only 25 people.

285. GREVIO observes that since the surge in arrivals of migrants and asylum seekers, any person who has arrived illegally in the country and who expresses her/his wish to apply for refugee status is brought to the first reception centre of Pournara, where registration and most of the steps of the asylum determination procedure are carried out, including medical examinations, taking of fingerprints, police interviews, vulnerability screening and an interview with an asylum caseworker. This has led to the vast increase in the numbers of asylum seekers and migrants lodged therein, reaching, at the time of GREVIO's evaluation visit, 2 700 persons, way beyond its maximum capacity of around 1 000 persons.

286. The Pournara reception centre has been conceived by the authorities as a closed reception centre for reasons of public health and safety, due to the Covid-19 pandemic but also to prevent the spread of other transmissible diseases such as tuberculosis. The Cypriot authorities have informed GREVIO that the quarantine period at Pournara on public health grounds lasts for a maximum of 14 days. Information provided by civil society, however, indicates that such quarantine can last up to several months. GREVIO understands that in addition to the quarantine period, asylum seekers/migrants can leave the reception centre once they have completed all the necessary procedures described in the paragraphs above and can prove that they have found accommodation,

which in some cases can take up to six months.<sup>174</sup> Although the current practice amounts to *de facto* detention, GREVIO understands that migrants/asylum seekers are not issued with a detention order by a judicial authority when held in Pournara on public health grounds and thus cannot benefit from effective remedies, such as an appeal against the relevant decision.<sup>175</sup> Moreover, as will be described below, vulnerability screening is often not immediately carried out, thus victims of gender-based violence against women and girls are also subject to protracted periods of *de facto* detention in sub-standard conditions. In this respect, GREVIO underscores that, as a rule, vulnerable people – such as victims of gender-based violence against women – should not be placed in detention.<sup>176</sup> The authorities have acknowledged that the delays in completing all the necessary procedures and, therefore, the protracted detention, are not just due to the elevated influx of asylum seekers/migrants but also because of insufficient staff,<sup>177</sup> lack of co-operation between the various authorities operating in Pournara and the creation of bottlenecks.

287. As referred to above, the Refugee Law provides for the obligation to carry out an individual assessment of the asylum seeker to determine whether the person is vulnerable and has special reception needs or requires special procedural guarantees. The authorities informed GREVIO that since 2020 a team of six persons from different departments, including social welfare services and mental health services, has been in place to carry out vulnerability assessments and to identify, *inter alia*, victims of rape or of psychological, physical or sexual abuse violence, including FGM victims and other “gender-based special needs”. GREVIO welcomes this positive step but notes, at the same time, that no standard operating procedures exist to identify and protect specifically women and girls at risk of or having experienced gender-based violence.<sup>178</sup> The vulnerability assessment, in principle, should take place upon registration, however GREVIO understands that it takes place only once the asylum seeker is released from quarantine and that it can be significantly delayed due to the massive influx of migrants/asylum seekers, as confirmed by the authorities. The authorities have further clarified that once a vulnerability has been identified, including gender-based violence, the vulnerability officer may refer the victim to independent accommodation paid for by welfare services, or transfer the asylum seeker to the Kofinou reception centre, which GREVIO welcomes. Moreover, a victim can, in principle, be referred to social welfare services, healthcare services and or any other support service needed. This notwithstanding, information from civil society indicates that, in practice, very little specialist support services are available to gender-based violence victims in the Pournara reception centre, that social welfare offices are hard to reach and waiting times are prohibitive. This is all the more grave as social welfare offices are one of the main ways in which a victim can be referred to specialised support services and shelters for domestic violence. Moreover, insensitive and dismissive attitudes from social welfare officers have been reported in respect of allegations of gender-based violence put forward by women and girls seeking asylum in Cyprus.

288. GREVIO notes that no standard operating procedures or guidelines exist on the gender-sensitive reception of asylum seekers and on the prevention of gender-based violence against women and girls in asylum accommodation, and that no impactful measure has been taken to prevent gender-based violence in the Pournara reception centre. GREVIO expresses its deep concern about insufficient measures having been taken in this reception centre to separate single women and unaccompanied girls from men. While a separate “safe zone” was created in the camp to separate unaccompanied children and women with children from men, this area is accessible during the daytime. Moreover, it is extremely overcrowded, with around 300 children being accommodated for months on end in sub-standard conditions, sometimes without even an individual bed.<sup>179</sup> As regards single women and families, the authorities have informed GREVIO that efforts are made to accommodate them in separate sections of the reception centre, near the offices of the

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174. GREVIO has been informed by civil society of many instances in which landlords exploit the precarious situation of asylum-seeking women and their desperate need for accommodation to perpetrate sexual violence.

175. Under Article 5.4 of the European Convention of Human Rights any person who is detained must have an adequate remedy to challenge the lawfulness of his/her detention.

176. See Resolution 1707 (2010), Detention of asylum seekers and irregular migrants in Europe of the Parliamentary Assembly of the Council of Europe, available at [www.assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17813&lang=en](http://www.assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17813&lang=en).

177. Police, guardians, medical and social welfare staff.

178. GREVIO has been informed that, following GREVIO's evaluation visit, in late 2022, standard operating procedures for vulnerable persons, including women and girls victims of gender-based violence were in the process of being drafted.

179. Information provided during the evaluation visit.

Asylum Service. However, women have reported feeling unsafe in bathrooms and shower facilities. It is not surprising, therefore, that GREVIO has been alerted by civil society to various reports of sexual violence in reception facilities, including the alleged gang rape of a girl, which calls for comprehensive and immediate measures to be taken by the authorities in Cyprus to ensure gender-sensitive reception conditions.

289. **GREVIO urges the Cypriot authorities to:**

- a. **ensure that standard operating procedures are developed to identify and protect asylum-seeking women and girl victims of gender-based violence and ensure that they are screened for such vulnerabilities upon arrival, or swiftly after, with a view to ensuring their prompt transfer to open reception facilities or private accommodation and their access to specialist support services and counselling.**
- b. **ensure safe and adequate accommodation for all women and girls expressing their intention to seek asylum, including through single-sex accommodation for women, including female heads of households;**
- c. **remove the barriers currently experienced by victims of violence against women to accessing social welfare services and specialist support services and ensure their access to specialist NGOs experienced in assisting victims of gender-based violence, either by embedding such services in accommodation arrangements or by otherwise ensuring and facilitating their access, in order to reduce their risk of further victimisation and re-traumatisation;**
- d. **develop and comprehensively implement standard operating procedures or guidelines on gender-sensitive reception of asylum seekers and on the prevention of gender-based violence against women and girls in asylum accommodation. In the interim, take urgent measures to prevent the commission of acts of violence against women in the Pournara reception centre, including by taking measures to resolve the current overcrowding in the Pournara reception centre and the mixed-sex accommodation of asylum seekers.**

**C. *Non-refoulement* (Article 61)**

290. Article 61 of the Istanbul Convention entails the obligation under international law for states to respect the principle of *non-refoulement* in relation to victims of gender-based violence who may fear persecution if returned. According to this principle, states shall not expel or return an asylum seeker or refugee to any country where their life or freedom would be threatened. Article 3 of the European Convention on Human Rights also prevents a person from being returned to a place where they would be at real risk of being subjected to torture or inhuman or degrading treatment or punishment. The *non-refoulement* principle also includes not prohibiting access to the territory of a country to asylum seekers who have arrived at its borders or who are prevented from accessing its borders.<sup>180</sup> The obligation to respect the *non-refoulement* principle applies equally to victims of violence against women who are in need of protection, irrespective of the status or residence of the women concerned.<sup>181</sup>

291. The Law on Refugees under its Article 4a provides for the right to *non-refoulement*. Nonetheless, there is a high risk that women and girls arriving by sea are returned without accessing the Cypriot asylum procedure because of instances of vessels being returned to countries of origin

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180. Explanatory Report to the Istanbul Convention, paragraph 320.

181. See the Explanatory Report to the Istanbul Convention, paragraph 322. See also UNHCR, Guidelines on International Protection: Gender-related persecution within the context of Article 1 A (2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees, 7 May 2002, paragraphs 9 et seq; available at: [www.unhcr.org/publ/PUBL/3d58ddef4.pdf](http://www.unhcr.org/publ/PUBL/3d58ddef4.pdf).

and third parties.<sup>182</sup> GREVIO understands that part of these returns were carried out in line with the 2002 bilateral readmission agreement between Cyprus and Lebanon, providing for the readmission by Lebanon of irregular migrants, and its 2020 Protocol. The authorities have also justified entry denials on the territory of Cyprus as a sanitary measure in the context of the Covid-19 pandemic. Additionally, reports have been brought to GREVIO's attention concerning migrants and asylum seekers being prevented from entering the territory at the Green Line and from claiming asylum.<sup>183</sup> Returning Sea migrants without any screening to identify persons in need of protection, assess their needs and take appropriate action can be seen as abusing the right to *non-refoulement* and places women migrants at serious risk of revictimisation.

292. GREVIO is aware of the overwhelmingly disproportionate burden that Cyprus faces as a state of first arrival for migrants and asylum seekers and trusts that the authorities will continue to co-operate with other European countries to find a solution to this issue. However, GREVIO is concerned by practices which pose a serious risk of the *refoulement* of women migrants and asylum seekers who may have experienced gender-based violence and who are deprived of their right to claim asylum, in contravention of Article 3 of the European Convention on Human Rights.

**293. GREVIO urges the Cypriot authorities to uphold their obligation to respect the principle of *non-refoulement* of victims of violence against women, including those asylum-seeking women and girls arriving by sea.**

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182. Information provided to GREVIO during the evaluation visit. See also Commissioner for Human Rights' letter to the Minister of the Interior of Cyprus (<https://rm.coe.int/letter-to-mr-nicos-nouris-minister-of-interior-of-cyprus-by-ms-dunjam/1680a1c09b>), 18 March 2021, and Asylum Information database (AIDA) Report on Cyprus, updated in April 2022: [https://asylumineurope.org/reports/country/cyprus/asylum-procedure/access-procedure-and-registration/access-territory-and-push-backs/#\\_ftn17](https://asylumineurope.org/reports/country/cyprus/asylum-procedure/access-procedure-and-registration/access-territory-and-push-backs/#_ftn17).

183. Ibid.

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## Concluding remarks

294. Cyprus has taken a range of measures that demonstrate strong political will to change mentalities, achieve gender equality and breathe life into the provisions of the Istanbul Convention. The report notes that current and past gender equality strategies have laid the foundations to mainstreaming gender equality into all policies, including from a budgeting perspective, with parallel training for public officials. The report also welcomes other measures taken in this area such as the requirement by law to carry out a gender equality impact assessment before a law can be presented to parliament. In the area of prevention, the report welcomes the taking of decisive steps by the Cypriot authorities to ensure that equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relations and the right to personal integrity are taught at all levels of education and that dedicated training is provided to educators to this effect. This is being achieved by enshrining these obligations in the VAW law, introducing a compulsory subject in the school curriculum addressing these issues and spearheading a wide array of promising education policies, which the report describes.

295. GREVIO's review of existing policy approaches and legislation on violence against women in Cyprus has revealed, however, many areas in which redoubled action is needed to comply with the standards of the convention. The report shows that it would be greatly beneficial to study the impact of the co-existence of the VF law and the VAW law and take measures to simplify the current legal framework, thereby resolving the existing inconsistencies in violence against women legislation currently in force. Emphasis is also given to the importance for the judiciary, police, social welfare and health-care services, among others, to set up data systems that go beyond their internal recording needs and which can collect data on victims and perpetrators disaggregated by sex, age, type of violence, the relationship of the victim to the perpetrator and geographical location, as a minimum. In the area of protection, the report highlights that the support services currently available to victims primarily pertain to domestic violence, leaving a significant gap in service provision for all the other forms of violence against women. More specifically, the absence of a rape crisis or sexual violence referral centre and the need to provide specialist support to victims of conflict-related sexual violence are specifically pinpointed as requiring priority attention.

296. In the area of substantive law, despite a revision process underway in the area of custody and visitation rights, both the law and court practice do not ensure that incidents of domestic violence or of other forms of violence against women are taken into account in reaching a decision, adopting a restrictive interpretation of the best interest of the child. The report also points to the problematic existence of alternatives to sanctions in cases of violence against women offences, in opposition to the spirit of the convention and its Article 45, which requires sanctions to be proportionate and dissuasive. In the area of investigation, prosecution, procedural law and protective measures, despite important strides having been made through the setting up of specialised investigation units, the provision of training and the development of investigation protocols, additional measures are needed to surmount persisting prejudices and to ensure that all relevant evidence is effectively collected, beyond the victim's testimony, so that victims have a greater chance to obtain justice. The report equally underscores the need to overhaul the legal framework in place regulating emergency barring orders and protection orders as the provisions in place under the VF law and the VAW law foresee different conditions for issuing such protection measures, both diverging with the standards set by the convention. Finally, in the area of migration and asylum, the report points to instances of vessels being returned to countries of origin and third parties and the consequent risk for women and girls arriving by sea to be deprived of the ability to access the Cypriot asylum determination system. The report therefore calls on the Cypriot authorities to uphold their obligation to respect the principle of non-refoulement of victims of violence against women.

297. With the present report, GREVIO wishes to support the Cypriot authorities in the endeavour of advancing on the implementation of the Istanbul Convention and invites them to keep it regularly informed of developments in this regard. GREVIO looks forward to continuing its fruitful co-operation with the Cypriot authorities.

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298. With a view to facilitating the implementation of its suggestions and proposals, GREVIO requests the Cypriot authorities to translate this report into Greek and to ensure that it is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), in particular to the government, the ministries and the judiciary, but also to NGOs and other civil society organisations which work in the field of violence against women.



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## **Appendix I**

### **List of proposals and suggestions by GREVIO**

#### **I. Purposes, definitions, equality and non-discrimination, general obligations**

##### **B. Scope of application of the convention and definitions (Articles 2 and 3)**

1. GREVIO strongly encourages the authorities of Cyprus to study the impact of the co-existence of the 2000 Law on Violence in the Family and the 2021 Law on the Prevention and Combating of Violence against Women and Domestic Violence and for Related Matters and take measures to simplify the current legal framework with a view to ensuring greater clarity. In particular, GREVIO strongly encourages the authorities to ensure that any inconsistencies in the applicable definitions and provisions are resolved, including those on domestic violence, and that only definitions that are in line with the convention are applied (paragraph 9).

##### **C. Fundamental rights, equality and non-discrimination (Article 4)**

#### **2. Intersectional discrimination**

2. GREVIO strongly encourages the Cypriot authorities to:
- a. take measures to ensure that the provisions of the Istanbul Convention are implemented without discrimination on any of the grounds listed in Article 4, paragraph 3, including on the basis of place of residence, when it comes to ensuring access to specialised support services;
  - b. integrate the perspectives and needs of women who are or may be exposed to or at risk of intersectional discrimination, such as domestic workers, asylum-seeking and/or migrant women and women with disabilities, into the design, implementation, monitoring and evaluation of comprehensive and co-ordinated policies for preventing and combating violence against women, in partnership with the women's rights organisations concerned, so as to overcome the specific obstacles experienced by these groups;
  - c. develop and improve accessibility to protection and support services, including social welfare services, the Women's House and shelters for asylum-seeking and/or migrant women, including domestic workers (paragraph 18).

#### **II. Integrated policies and data collection**

##### **A. Comprehensive and co-ordinated policies (Article 7)**

3. GREVIO strongly encourages the Cypriot authorities to develop dedicated long-term and co-ordinated policies on all forms of violence covered by the Istanbul Convention, including rape, sexual violence, sexual harassment, stalking, female genital mutilation, forced marriage, forced sterilisation and abortion, and domestic violence, on the basis of the principles and definitions set out in the Istanbul Convention. Such efforts should be supported by the allocation of adequate financial resources and the systematic evaluation of the efficacy of the policies in place (paragraph 32).

4. GREVIO further strongly encourages the Cypriot authorities to ensure that its policies assess the number of victims of conflict-related sexual violence resulting from the 1974 conflict and/or the number of those victims currently residing in the territory controlled by the Republic of Cyprus; and take measures to comprehensively address and counter the social stigma experienced by this category of victims (paragraph 33).

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**B. Financial resources (Article 8)**

5. GREVIO strongly encourages the Cypriot authorities to:
- a. increase the financial resources allocated to preventing and combating all forms of violence against women and provide dedicated, sufficient and sustainable funding lines for programmes and policies in this area;
  - b. pursue and step up efforts to implement gender-responsive budgeting so as to be able to allocate appropriate funding and to monitor public spending;
  - c. provide greater support for the work of women's organisations specialised in preventing and combating violence against women, by providing them with sufficient and sustainable funding that is commensurate with their estimated needs, through transparent and accountable public procedures (paragraph 39).

**C. Non-governmental organisations and civil society (Article 9)**

6. GREVIO encourages the Cypriot authorities to ensure effective co-operation with NGOs and civil society organisations in policy making, notably in the development of central policy documents such as national strategies or action plans on violence against women and domestic violence in order to make use of their knowledge in their respective fields of expertise. GREVIO further encourages the Cypriot authorities to ensure that the criteria for NGO membership of the Council of the National Mechanism for Women's Rights are clear and more transparent (paragraph 42).

**D. Co-ordinating body (Article 10)**

7. GREVIO strongly encourages the Cypriot authorities to:
- a. ensure greater clarity concerning the powers and competences of the National Co-ordinating Body for the Prevention and Combating of Violence against Women and those of the Ministry of Justice;
  - b. ensure that the co-ordinating body is empowered to co-ordinate and implement all existing policies on violence against women, in close consultation with women's rights organisations, while avoiding any overlap with the functions of the Advisory Committee for the Prevention and Combating of Violence in the Family;
  - c. set up a separate body entrusted with the monitoring and evaluation of the relevant policies, in order to ensure objectivity in the evaluation;
  - d. critically review the adequacy of the current budget and resources allocated to the co-ordinating body and assess whether it ensures the sustainability of its work (paragraph 52).

**E. Data collection and research (Article 11)****1. Administrative data collection**

8. GREVIO urges the Cypriot authorities to ensure as a matter of priority the collection of systematic and comparable data on all forms of violence against women, from all relevant administrative sources, including the law-enforcement and justice sector, healthcare, social services, and asylum and specialist support service providers, disaggregated by sex, age, type of violence, the relationship of the victim to the perpetrator and geographical location, and to take decisive steps to implement its plan to establish a centralised database on all forms of violence against women. In particular, GREVIO urges the authorities to ensure that data in relation to all forms of violence covered by the Istanbul Convention are collected by the police, prosecutors and courts at all stages of the criminal justice process, from reporting to investigation, to the opening of criminal proceedings and to their outcome. Such data should be co-ordinated and comparable so that cases can be

tracked at all stages of the law-enforcement and judicial proceedings. It further urges the authorities to collect data on:

- a. the number of emergency barring orders issued, the number of violations and the sanctions imposed;
- b. the number of protection orders issued (in criminal and civil proceedings), the number of violations and the sanctions imposed as a result of such violations;
- c. decisions on custody/visitation/residence concerning children that have expressly taken into account reports of domestic violence (paragraph 59).

## **2. Population-based surveys**

9. GREVIO encourages the Cypriot authorities to regularly to conduct population-based surveys on the various forms of violence against women covered by the Istanbul Convention (paragraph 62).

## **3. Research**

10. GREVIO strongly encourages the Cypriot authorities to:

- a. address, through research, all forms of violence against women, including in relation to specific groups of victims who may be subjected to intersectional discrimination, such as women with disabilities, asylum-seeking/migrant women and domestic workers;
- b. support research in order to study the effects on children of witnessing domestic violence;
- c. invest in the evaluation of existing policies, laws and practices to assess the level of implementation and of victim satisfaction with services provided, in close co-operation with specialist support services (paragraph 66).

# **III. Prevention**

## **B. Awareness raising (Article 13)**

11. GREVIO encourages the Cypriot authorities to promote on a regular basis awareness-raising campaigns on the different manifestations of all forms of violence covered by the scope of the Istanbul Convention, beyond domestic violence. The Cypriot authorities should in particular:

- a. ensure that sufficient and sustainable funding is made available for awareness-raising campaigns;
- b. ensure that targeted awareness-raising campaigns are run to address the specific needs of vulnerable groups of women and girls, including migrant/asylum-seeking women and women with disabilities;
- c. carry out research on the impact that awareness-raising campaigns have had on the Cypriot population and the way they perceive sexism, gender equality and gender-based violence (paragraph 73).

## **C. Education (Article 14)**

12. GREVIO encourages the Cypriot authorities to:

- a. strengthen efforts to ensure the practical implementation of the requirement to include in school curriculums or to otherwise impart knowledge on the elements listed in Article 14 of the Istanbul Convention. To this end, GREVIO encourages the Cypriot authorities to assess whether and to what extent the health education course is being implemented and whether, content-wise, there are any gaps that should be filled;
- b. strengthen mandatory initial and in-service training of educators responsible for teaching health education on the topics covered by Article 14 of the Istanbul Convention, particularly in relation to FGM and forced marriage, as well as to other teachers, with a view to enabling

them to detect girls and boys at risk and to refer them to appropriate mechanisms for support and protection (paragraph 84).

#### **D. Training of professionals (Article 15)**

13. GREVIO strongly encourages the Cypriot authorities to take legislative and other measures to ensure systematic and mandatory initial and in-service training on all forms of violence against women for the relevant professionals who deal with victims or perpetrators, particularly prosecutors and judges, law-enforcement officers, social services staff, healthcare personnel, journalists and teachers, in line with the requirements of the Istanbul Convention. Particular attention should be paid to overcoming entrenched stereotypes and a patriarchal culture and to ensuring the continuity and sustainability of the funding of such training, so that it is not project based (paragraph 93).

14. In addition, GREVIO urges the Cypriot authorities to ensure that training and the relative protocols for law-enforcement officials who directly or indirectly receive reports and investigate cases of violence against women:

- a. underscore the obligation to record all reports of violence against women;
- b. address and debunk prejudices and patriarchal attitudes;
- c. address the concept of power and control and the need to adequately record patterns of abuse in the context of domestic violence;
- d. offer instruction on how and where to receive reports and interview victims in a manner that prevents secondary victimisation;
- e. sensitise and prepare police officers to deal with reports from women who are in a particularly vulnerable situation, such as migrant/asylum-seeking women and women with disabilities;
- f. clarify how to comprehensively collect all relevant evidence in addition to the victim's statement or, in cases of rape, in addition to the forensic evidence lifted from the victim;
- g. address the role of interim restraining orders in breaking the cycle of violence in cases of domestic violence (paragraph 94).

15. With regard to prosecutors and judges, GREVIO urges the Cypriot authorities to provide them with robust training on violence against women, as well as guidelines or protocols that address:

- a. the debunking of prejudices and patriarchal attitudes;
- b. especially for prosecutors, the importance of ensuring the collection of additional evidence other than the victim's or perpetrator's statement;
- c. domestic violence, including the concept of power and control and the need to take into account patterns of abusive behaviour;
- d. the dissuasive and revictimising effect that impunity for violence against women has on victims;
- e. the implications of the new provision on rape based on lack of consent, including the shift of the onus onto the perpetrator to ensure that all sexual acts are engaged in voluntarily; and the role of interim restraining orders and restraining orders in breaking the cycle of violence in cases of domestic violence and other forms of violence against women, as well as the importance and preventive role of perpetrator programmes (paragraph 95).

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## **E. Preventive intervention and treatment programmes (Article 16)**

### **1. Programmes for perpetrators of domestic violence**

16. GREVIO strongly encourages the Cypriot authorities to:
- a. strengthen the capacity and outreach of perpetrator programmes, including by rolling out the programme to other parts of the country and introducing it in custodial settings, on the basis of sustainable funding to ensure their long-term functioning, including an evaluation of their impact;
  - b. use all available means, including legislative means, to clarify the legal framework in place and ensure that perpetrator programmes are widely attended, including by integrating them into the criminal justice system as a tool to reduce recidivism, in addition to sentencing and/or the taking of protection measures (paragraph 98).

### **2. Programmes for sex offenders**

17. GREVIO strongly encourages the Cypriot authorities to take steps to comply with the requirements of Article 16, paragraph 2, of the Istanbul Convention concerning the establishment of treatment programmes for sex offenders, taking due account of best practices developed internationally and guaranteeing a human rights-based approach (paragraph 100).

## **F. Participation of the private sector and the media (Article 17)**

18. In light of the important role played by the media and the private sector in shaping and changing attitudes to the status and role of women in society and the level of acceptance of violence against women, GREVIO invites the Cypriot authorities to further strengthen the development and monitoring of self-regulatory standards and training in those standards, in relation to the non-stereotypical and non-sexist portrayal of women in the media, including in the context of reporting on violence they have suffered (paragraph 106).

## **IV. Protection and support**

### **A. General obligations (Article 18)**

19. GREVIO strongly encourages the Cypriot authorities to adopt institutionalised structures for co-ordination and co-operation among the different governmental and non-governmental agencies, including the prosecution services, the judiciary and the education sector, to ensure adequate protection and support for victims of domestic violence and their children as well as for victims of all forms of violence against women, particularly rape and FGM, based on a gendered understanding of violence against women. In particular, GREVIO strongly encourages the authorities to:
- a. ensure the roll-out of the Women's House to other parts of the country so that victims can benefit from support services delivered on a one-stop-shop basis, regardless of where they reside;
  - b. ensure that data-protection considerations do not hinder the sharing of information between the relevant services and NGOs which is necessary to ensure the protection and support of victims (paragraph 115).

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**B. Information (Article 19)**

20. GREVIO encourages the Cypriot authorities to ensure, including through legislative means, that all frontline responders are resourced to provide, or have readily available, interpreters to assist with the provision of information and support in a language the victim can understand and that they convey the information in a format that can be understood by women with disabilities (paragraph 119).

**C. General support services (Article 20)**

21. GREVIO strongly encourages the Cypriot authorities to take the necessary legislative and other measures to ensure that:

- a. access to general support services shall not depend on the willingness of the victim to press charges or testify against any perpetrators;
- b. social welfare services are provided with adequate resources allowing them to discharge their responsibilities in an effective manner, as well as to foster co-operation among all other services that provide support to women exposed to the different forms of violence covered by the Istanbul Convention;
- c. further measures are taken to ensure that women victims of all forms of violence covered by the Istanbul Convention throughout the country have access to services facilitating their recovery and autonomy, in particular financial assistance, long-term housing services and finding employment, and consideration is given to introducing dedicated programmes that cater to their specific needs (paragraph 124).

**2. Healthcare services**

22. GREVIO strongly encourages the Cypriot authorities to ensure the implementation of Law 115(I)/2021 and, in particular:

- a. to ensure that dedicated and comprehensive protocols are in place in all general hospitals to identify, treat and further refer victims of domestic violence, sexual violence/rape and FGM, irrespective of their residence status, and that, in parallel, training is provided to the competent staff on the application of the protocols;
- b. to ensure that training on FGM is extended to personnel of all hospitals, beyond Makarios General Hospital;
- c. to take steps to overcome the practical obstacles faced by victims of FGM in accessing specialised healthcare support, notably the lack of information and the prejudice of medical staff (paragraph 130).

**D. Specialist support services (Article 22)**

23. GREVIO strongly encourages the Cypriot authorities to ensure immediate short- and long-term specialist support services to victims of all forms of violence against women, beyond domestic violence, in an adequate geographical distribution (paragraph 138).

24. GREVIO encourages the Cypriot authorities to ensure that all victims of gender-based violence against women have the possibility to self-refer to specialist support services, in particular those offered by a shelter or the Women's House (paragraph 139).

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### **E. Shelters (Article 23)**

25. With a view to guaranteeing adequate access of women victims of violence and their children to dedicated, safe and supportive shelter facilities, as required under Article 23 of the Istanbul Convention, GREVIO strongly encourages the Cypriot authorities to take measures to expand the number and/or capacity of specialist shelter facilities dedicated to women and their children, throughout the country, and ensure the financial sustainability of service provision (paragraph 143).

### **F. Telephone helplines (Article 24)**

26. GREVIO strongly encourages the Cypriot authorities to ensure:

- a. that the 1440 helpline is operated by staff trained on and prepared to provide information and assistance in relation to all forms of violence, including those that are statistically less prevalent in Cyprus, such as forced marriage, FGM, forced abortion and forced sterilisation;
- b. the financial sustainability of the 1440 helpline so that it can meet the demand for assistance at all times, including in times of crisis such as a health crisis, and that assistance be provided in languages beyond English and Greek, as relevant (paragraph 148).

### **G. Support for victims of sexual violence (Article 25)**

27. With a view to avoiding secondary victimisation and providing comprehensive support to victims of rape and sexual violence, GREVIO urges the Cypriot authorities to set up rape crisis or sexual violence referral centres in sufficient numbers in the country and to provide medical and forensic examinations, trauma support and psychological counselling for victims. This may be achieved in Nicosia by strengthening and complementing the specialist support services already provided by the Women's House with additional services and dedicated staff, enabling it to perform forensic examinations and provide trauma support and/or long-term psychological counselling. It also urges the Cypriot authorities in particular to:

- a. ensure that forensic examinations are carried out in line with internationally recognised standards and that measures are taken to ensure that forensic evidence is collected and stored with the consent of the victims, regardless of whether the matter has been reported to the police;
- b. strengthen protocols/guidelines and training on the management of cases of sexual violence and rape in hospitals;
- c. take measures to address and provide specialist support to victims of conflict-related sexual violence (paragraph 153).

### **H. Protection and support for child witnesses (Article 26)**

28. GREVIO strongly encourages the Cypriot authorities to ensure that the provision of psychological counselling to child victims or witnesses of domestic violence or any other form of violence against women is not subject to the approval of both parents (paragraph 158).

### **I. Reporting by professionals (Article 28)**

29. Recalling the principle of women's empowerment mainstreamed throughout the Istanbul Convention, GREVIO strongly encourages the Cypriot authorities to ensure that any duty to report imposed on professionals is tempered by full and sensitive information being provided to the victim to allow her to make an informed decision herself and maintain autonomy. To this end, GREVIO strongly encourages the Cypriot authorities to review the obligation for social welfare services professionals to report cases of violence against women and their children, other than in situations in which there are reasonable grounds to believe that a serious act of violence covered by the scope of the Istanbul Convention has been committed and further serious acts are to be expected. This

may well require making the obligation to report contingent upon the prior consent of the victim, unless the victim is a child or is unable to protect her/himself because of disabilities (paragraph 162).

## **V. Substantive law**

### **A. Civil law**

#### **1. Civil remedies against the state – ensuring due diligence (Article 29)**

30. GREVIO encourages the Cypriot authorities to assess the level of use made by victims of the different forms of violence covered by the scope of the Istanbul Convention of the different remedies against the authorities with a view to identifying the prevailing reasons preventing victims from accessing such remedies. Progress in this area should be measured by collecting data on the number of complaints by victims and their outcomes (paragraph 167).

#### **2. Compensation (Article 30)**

31. GREVIO invites the Cypriot authorities to collect data on the number of cases in which women victims of violence have claimed and have obtained compensation either from the perpetrator or the state for offences covered by the Istanbul Convention (paragraph 171).

#### **3. Custody, visitation rights and safety (Article 31)**

32. GREVIO urges the Cypriot authorities to:

- a. amend the Law on Parents and Children Relations and issue guidelines for practitioners to explicitly provide and ensure that in the determination of custody and visitation rights of children, incidents of violence covered by the scope of the Istanbul Convention are taken into account and, in addition, to ensure that in the exercise of any visitation or custody rights, the rights and safety of the victim and her children are safeguarded;
- b. ensure that family courts take into account any episodes of violence, by consulting with all relevant professionals and/or conducting their own investigations;
- c. inform all relevant professionals that are consulted on and/or issue decisions on custody and visitation rights of the absence of scientific grounds for the “parental alienation syndrome”, through adequate training and awareness raising and to ensure that it is no longer used in practice;
- d. ensure a sufficient number of professionals trained in violence against women to accompany the supervised access visits;
- e. ensure that in the context of supervised visitation, the non-abusive parent does not have to meet face to face with the perpetrator (paragraph 180).

### **B. Criminal law**

#### **2. Stalking (Article 34)**

33. GREVIO strongly encourages the Cypriot authorities to:

- a. monitor the application of the law on stalking so its provisions are applied in a manner consistent with the definition provided in the Istanbul Convention;
- b. collect data on the number of cases of stalking, including its online dimension, with a view to building the capacity of all legal professionals to handle this offence (paragraph 190).



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### **3. Sexual violence, including rape (Article 36)**

34. GREVIO urges the Cypriot authorities to:

- a. take legislative or other measures to qualify with more precision the concept of consent in the context of the rape and sexual violence offences criminalised by the Criminal Code, clarifying that it should be given voluntarily as the result of the person's free will, assessed in the context of the surrounding circumstances;
- b. align Article 146e of the Criminal Code (on coercion into sexual intercourse or other acts of a sexual nature) more closely to Article 36c of the Istanbul Convention, by basing it on the notion of freely given consent by the victim;
- c. ensure harmonised and appropriate sanctions for all sexual acts without the consent of the victim, including where the circumstances of the case preclude valid consent (paragraph 197).

### **5. Forced marriage (Article 37)**

35. GREVIO strongly encourages the Cypriot authorities to:

- a. criminalise the intentional conduct of luring an adult or a child to the territory of another state with the purpose of forcing this person into a marriage as required by Article 37, paragraph 2, of the Istanbul Convention;
- b. ensure that forced marriages can be voidable, annulled or dissolved without any undue burden placed on the victim, such as high evidentiary requirements to prove lack of consent (paragraph 202).

### **6. Female genital mutilation (Article 38)**

36. GREVIO strongly encourages the Cypriot authorities to ensure, through legislative or other measures, the applicability of Article 233A to both women and girls, and its effective prosecution (paragraph 205).

### **7. Forced abortion and forced sterilisation (Article 39)**

37. GREVIO strongly encourages the Cypriot authorities to criminalise forced abortion and forced sterilisation, in line with Article 39 of the Istanbul Convention (paragraph 208).

### **10. Sanctions and measures (Article 45)**

38. GREVIO strongly encourages the Cypriot authorities to:

- a. ensure through legislative and other appropriate measures that sentences and measures imposed for domestic violence and other forms of violence against women covered by the Istanbul Convention are effective, proportionate and dissuasive. This would include ensuring the understanding that ordering the attendance of perpetrator programmes and/or the issuance of restraining orders in domestic violence cases and other forms of violence against women as an alternative to sentencing do not serve the principles of ensuring justice for victims, ending impunity for perpetrators or deterrence;
- b. improve data collection regarding sanctions imposed for the different forms of violence against women covered by the Istanbul Convention, in particular by disaggregating such data based on the sex of the offender and the victim and their relationship and by ensuring that data on convictions are clearly tied to the specific offences to which they are related (paragraph 219).

## **11. Aggravating circumstances (Article 46)**

39. GREVIO strongly encourages the Cypriot authorities to ensure that all of the aggravating circumstances provided under Article 46 of the Istanbul Convention can be taken into account as aggravating circumstances in the determination of a sentence in cases of domestic violence (paragraph 221).

## **VI. Investigation, prosecution, procedural law and protective measures**

### **A. General obligations, immediate response, prevention and protection (Articles 49 and 50)**

#### **2. Conviction rates**

40. GREVIO urges the Cypriot authorities to:

- a. provide the newly established specialist investigative units on domestic violence with the training, guidance and the expertise to handle other cases of violence against women, beyond domestic violence, such as stalking, digital forms of violence against women, sexual harassment, FGM, forced marriage and rape;
- b. analyse and assess to what extent the new protocols in place on gender-based violence are being applied, including the obligation to open an investigation, regardless of the lodging of a formal complaint by the victim;
- c. provide guidelines for prosecutors and judges for judicial proceedings in the area of gender-based violence against women;
- d. identify and address all factors that contribute to attrition, in order to increase the number of convictions (paragraph 236).

### **B. Risk assessment and risk management (Article 51)**

41. GREVIO strongly encourages the Cypriot authorities to take all necessary measures to ensure that:

- a. dedicated risk-assessment tools to assess the risk of all victims of gender-based violence against women are developed and applied in practice, systematically;
- b. risk assessments are carried out in a co-ordinated manner, between all institutions concerned, including, prosecutors, the judiciary and, where applicable, educators and are repeated at all relevant stages of criminal proceedings;
- c. all victims of violence against women, wherever they reside in Cyprus, benefit from co-ordinated risk assessment and management (paragraph 241).

### **C. Emergency barring orders (Article 52)**

42. GREVIO urges the Cypriot authorities to take legislative and other measures to ensure that:

- a. a clear legal framework governing emergency barring orders in cases of domestic violence is in place, avoiding any overlaps between the applicable provisions;
- b. emergency barring orders can be issued quickly, in situations of immediate danger without lengthy proceedings and with specified and stringent time limits for their request and approval;
- c. emergency barring orders ensure that the perpetrator is removed from the residence, rather than the victim;
- d. children can be included in the same order with the abused parent, in cases where the children are direct victims or have witnessed the violence;

- e. efforts are made to promote, monitor and enforce emergency barring orders, including through protocols;
- f. sanctions for breaching protection orders are effectively applied in practice (paragraph 250).

#### **D. Restraining or protection orders (Article 53)**

43. GREVIO urges the Cypriot authorities to take legislative and other measures to ensure that:
- a. a clear legal framework governing the issue of restraining orders in cases of domestic violence is in place, avoiding any overlaps between the applicable provisions and ensuring that restraining orders are available to victims for immediate protection, without high evidentiary requirements or other burdens placed on the victim;
  - b. no gap in the protection of the victim arises because of the expiry of any emergency barring order and/or restraining order, by making available successive protection measures that can be applied immediately afterwards;
  - c. restraining orders are available to the victim under civil law, whether or not she chooses to set in motion any other legal proceedings;
  - d. children can be included in the same restraining order as their mothers, in cases where the children are direct victims or have witnessed the violence;
  - e. efforts are made to promote, monitor and enforce restraining orders, including through protocols;
  - f. sanctions for breaching restraining orders are effectively applied in practice (paragraph 261).

#### **E. Ex parte and ex officio proceedings (Article 55)**

##### **2. Victim support in legal proceedings**

44. GREVIO invites the Cypriot authorities to step up measures to increase access to support in legal proceedings for all victims of violence against women and for child witnesses, including by promoting and supporting the role of specialist women's organisations. Support should be available not only in criminal proceedings but also in related civil proceedings, such as those instituted to settle a compensation claim, a divorce or custody in domestic violence cases (paragraph 267).

#### **F. Legal aid (Article 57)**

45. GREVIO urges the Cypriot authorities to take the necessary legislative and other measures to ensure women's effective access to justice through high-quality legal representation, in particular by identifying and remedying any administrative or procedural barriers to obtaining legal aid and ensuring that those victims of violence against women who meet the criteria can benefit from free legal assistance in the context of civil and criminal proceedings (paragraph 272).

### **VII. Migration and asylum**

#### **B. Gender-based asylum claims (Article 60)**

##### **1. Gender-sensitive asylum determination procedure**

46. GREVIO urges the Cypriot authorities to take legislative or other measures to:
- a. collect statistics on the number of asylum claims made on the basis of gender-related forms of persecution and the number of decisions granting refugee status on this basis (and on which specific grounds), disaggregated by sex and the type of gender-based violence;

- b. ensure that all forms of gender-based violence, including cases of forced marriage, can be recognised as a form of persecution within the meaning of Article 1 A (2) of the 1951 Convention relating to the Status of Refugees;
- c. guarantee that adequate information is provided, at all phases of the reception, asylum determination and appeal processes, to all women seeking asylum with the aim of increasing their awareness of their vulnerabilities and their rights and facilitating their access to general and specialist protection and support services;
- d. simplify the procedure for asylum-seeking women to obtain free legal aid and ensure the provision of quality legal representation throughout the asylum application process, starting from the first interview;
- e. ensure that lawyers, decision makers and judges have access to gender guidelines and are trained on a gender-sensitive interpretation of all grounds of persecution provided for in Article 1 A (2) of the 1951 Convention relating to the Status of Refugees;
- f. address and resolve the structural shortcomings in the asylum determination procedure which gravely impact on violence against women victims' chances to secure refugee status, including: the insufficient and unsustainable staffing of the Asylum Service and the Administrative Court; the insufficient justifications of first-instance decisions, which do not detail the reasons for the rejection of claims; the short deadline for appealing against the first-instance decisions before the Administrative Court; the Administrative Court's limited opening hours; and the requirement to pay court fees as well as interpretation fees (paragraph 283).

## **2. Accommodation**

47. GREVIO urges the Cypriot authorities to:

- a. ensure that standard operating procedures are developed to identify and protect asylum-seeking women and girl victims of gender-based violence and ensure that they are screened for such vulnerabilities upon arrival, or swiftly after, with a view to ensuring their prompt transfer to open reception facilities or private accommodation and their access to specialist support services and counselling;
- b. ensure safe and adequate accommodation for all women and girls expressing their intention to seek asylum, including through single-sex accommodation for women, including female heads of households;
- c. remove the barriers currently experienced by victims of violence against women to accessing social welfare services and specialist support services and ensure their access to specialist NGOs experienced in assisting victims of gender-based violence, either by embedding such services in accommodation arrangements or by otherwise ensuring and facilitating their access, in order to reduce their risk of further victimisation and re-traumatisation;
- d. develop and comprehensively implement standard operating procedures or guidelines on gender-sensitive reception of asylum seekers and on the prevention of gender-based violence against women and girls in asylum accommodation. In the interim, take urgent measures to prevent the commission of acts of violence against women in the Pournara reception centre, including by taking measures to resolve the current overcrowding in the Pournara reception centre and the mixed-sex accommodation of asylum seekers (paragraph 289).

## **C. Non-refoulement (Article 61)**

48. GREVIO urges the Cypriot authorities to uphold their obligation to respect the principle of non-refoulement of victims of violence against women, including those asylum-seeking women and girls arriving by sea (paragraph 293).

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## **Appendix II**

### **List of the national authorities, other public bodies, non-governmental organisations and civil society organisations with which GREVIO held consultations**

#### **National authorities**

Ministry of Justice and Public Order of the Republic  
Ministry of Labour, Welfare and Social Insurance  
Ministry of Education, Culture, Sport and Youth  
Ministry of Finance  
Ministry of Health  
Ministry of Interior, including the Asylum Service

#### **Public bodies**

Representatives of law enforcement agencies  
Law Service of the Republic of Cyprus  
The Advisory Committee for Preventing and Combating Violence in the Family  
National Machinery for Women's Rights  
Cyprus Academy of Public Administration  
The Commissioner of Administration  
The Commissioner for Administration and Protection of Human Rights  
The Commissioner for Children's Rights  
The Law Commissioner  
The Statistical Service of Cyprus  
Cyprus Academy for Public Administration  
Cyprus Radio Television Authority  
House Committee for Human Rights and Gender Equality  
The Gender Equality Committee in Employment and Vocational Training  
Cyprus Media Complaints Commission

#### **Non-governmental organisations and civil society**

Mediterranean Institute for Gender Studies  
The Association for the Prevention and Handling of Violence in the Family  
Cyprus Family Planning Association  
Cyprus Women's Lobby  
Birth Forward  
Civil Society Advocates  
Hands Across the Divide  
Pancyprian Organisation of Single Parents and Friends  
KISA  
Cyprus Refugee Council  
Obreras Empowered

GREVIO, the *Group of Experts on Action against Violence against Women and Domestic Violence*, is an independent human rights monitoring body mandated to monitor the implementation of the *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention) by the Parties.

The Istanbul Convention is the most far-reaching international treaty to tackle violence against women and domestic violence. Its comprehensive set of provisions spans far-ranging preventive and protective measures as well as a number of obligations to ensure an adequate criminal justice response to such serious violations of human rights.

This report contains an overall analysis of the implementation of the provisions of the Istanbul Convention. It highlights positive initiatives in preventing and combating all forms of violence against women at national level and provides suggestions and proposals to improve the situation of women facing such violence.

[www.coe.int/conventionviolence](http://www.coe.int/conventionviolence)

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union.

All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law.

The European Court of Human Rights oversees the implementation of the Convention in the member states.

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