

CYPRUS/CHYPRE

1. *What mechanisms have been put in place at national level to ensure the compatibility of legislation (whether draft legislation, laws in force or administrative practice) with the Convention? How do these work (whether or not they are systematic, the competent authorities and any consultations – whether optional or mandatory)? What are the advantages of the mechanism chosen?*

Domestic mechanisms for checking the compatibility of draft legislation, laws in force or administrative practice operate in the Law Office of the Republic of Cyprus under the Government Agent, that is, the Attorney General of the Republic of Cyprus. Within the Law Office's internal structure, a Human Rights Sector was set up in 2004 for carrying out the functions and tasks necessary for implementing *inter alia*, the 2004 Recommendation of the Committee of Ministers, on compatibility of administrative practice and legislation with the Convention/Court's case-law (Rec(2004)5). The Human Rights Sector consists of lawyers from the Attorney-General's Office familiar with Strasbourg case-law and human rights issues.

In exercise of the Attorney General's function as the Republic's legal adviser, the Human Rights Sector operates as follows concerning the verification of compatibility of laws in force or administrative practice with the Convention:

- (a) It gives legal advice/opinions, whenever the issue raised for advice by a Ministry/Governmental Department has a human rights dimension/aspect requiring examination and study in the light of the Convention.
- (b) It communicates to Ministries/Governmental Departments concerned judgments of the Court or relevant press releases and inquires as to applicable administrative practice/legislation in the matter, so as to ascertain whether this is in conformity with the judgment communicated, and to advise the Ministry/Governmental Department accordingly.
- (c) It examines whether there is a need in the light of the Court's case law to introduce new or amend/abolish existing legislation and advises accordingly. The necessary legislation is drafted by the Sector. In the process of drafting the necessary legislation, relevant authorities are consulted.
- (d) It advises the administration on legislative/administrative measures needed to be adopted in execution of judgments of the Court finding violations against Cyprus and drafts necessary legislation.
- (e) It studies administrative practice/legislation also brought to its attention from other sources so as to determine whether they need to be reviewed in the light of the Convention and advises the administration accordingly.

Concerning compatibility of draft legislation, it is noted that in Cyprus all legislation to be tabled in Parliament by the Government is either drafted or vetted by counsel of the Law Office. The compatibility therefore of all draft legislation with the Constitution and the Convention rests with the Attorney General as the Republic's legal adviser and the Law Office. Legislation drafted/vetted as above, is always accompanied by a short explanatory memorandum signed by the Attorney General, setting out its aim and giving a brief summary of its basic provisions. Signature of the

memorandum by the Attorney General means in effect that the Republic's legal adviser has ascertained the draft law's compatibility with the Constitution and the Convention.

The above mechanism/practice is systematic as it flows from the constitutional function of the Attorney-General as legal adviser of the Republic, of the Council of Ministers, the President and the Ministers. The Attorney General's office's mode of operation in the Government machinery in conjunction with his other constitutional functions respecting court proceedings, enable the Law Office and in particular its Human Rights Sector to operate effectively and act promptly respecting compatibility of legislation and administrative practice with the Convention.

The advantages and appropriateness of the mechanism chosen are obvious regard being had to the fact that the Constitution itself sets out the Attorney-General's functions and powers as the Republic's legal adviser, rendering him/her completely independent of the executive and the legislature. Moreover, the Office of the Attorney General and in particular its Human Rights Sector, has acquired expertise on Strasbourg case law and human rights issues, as counsels at the Human Rights Sector deal also with individual applications under the Government Agent/Attorney-General and are responsible to see to it on his behalf that the Court's judgments and case-law are disseminated and executed.

2. *What obstacles have been encountered in establishing or applying these mechanisms? How have these been overcome?*

No obstacles have been encountered in establishing or applying these mechanisms, save from the occasional shortage of staff.

3. *Is there any assessment (or planned assessment) of the appropriateness and effectiveness of the mechanisms in question? Is so, how does this work? What obstacles have been encountered in setting up or carrying out such an assessment?*

No assessment of the above mechanisms has been made or is planned.