

September 2014

## CYPRUS

### 1. What is the title, rank and position of the Legal Adviser?

Pursuant to Article 113.1 of the Constitution, the Attorney-General of the Republic, assisted by the Deputy Attorney-General of the Republic, is the legal adviser of the Republic, the President of the Republic, the Council of Ministers and of the Ministers and *“shall exercise all such other powers and shall perform all such other functions and duties as are conferred or imposed on him by this Constitution or by law”*.

The Attorney-General of the Republic is appointed by the President and must be a person qualified for appointment as a judge of the High Court. Such qualifications are set out in Article 153.5 of the Constitution, which provides that the President and other judges of the High Court shall be appointed from amongst lawyers of high professional and moral standard.

The Attorney General is the Head of the Law Office of the Republic, which is an independent office, not under any Ministry (Article 112.1 and 112.2 of the Constitution).

He/she holds office under the same terms and conditions as a judge of the High Court and shall not be removed from office except on the like grounds and in the like manner as such judge of the High Court (Article 112.4 of the Constitution).

As provided under Article 112.3 of the Constitution, the Attorney-General has the right of audience in and takes precedence over any other persons appearing before any court in the Republic.

### 2. What are the principal functions of the OLA?

The Attorney-General of the Republic is an independent Officer of the Republic who is vested with a wide range of important powers and functions, the main of which are outlined below:

- As already mentioned in the reply to question 1 above, the Attorney-General is the legal adviser to the Republic, the President, the Council of Ministers and the Ministers. In this concern, the Law Office of the Republic, headed by the Attorney-General, is responsible for providing legal opinions and advice to all Ministries and government departments within the Ministries on legal issues that may arise. It is also responsible for the legal vetting of all government Bills before they are introduced to the House of Representatives for debate and enactment.
- The Law Office of the Republic is responsible for the legal representation of the Republic before the Courts in all administrative and civil law litigation where the Republic is a party. Let it be noted that under section 57 of the Courts of Justice Law (Law 14/60 as amended), civil actions brought by the Republic shall name the Attorney-General as plaintiff and, similarly, civil actions brought against the Republic shall name the Attorney-General as defendant.

- With regard, in particular, to criminal prosecutions, Article 113.2 vests the Attorney-General with the exclusive power, exercisable at his/her discretion in the public interest, to institute, conduct, take over and continue or discontinue any proceedings for an offence against any person in the Republic. Such power may be exercised by him/her in person or by officers subordinate to him/her acting under and in accordance with his/her instructions.
- The Attorney-General acts as the Agent of the Republic of Cyprus before International Courts, including the European Court of Human Rights, the Court of Justice of the European Union and the International Court of Justice.

**3. Please give a brief description of staff employed by the OLA, including overseas staff. What is the distribution of posts between men and women within the OLA and what category of staff do they respectively belong to?**

The Law Office of the Republic comprises of 80 lawyers (the number includes the Attorney General and the Deputy Attorney General). An additional number of 34 public prosecutors serve under the authority of the Attorney General, and are mainly responsible for the conduct of prosecutions before the lower criminal Courts (District Courts).

The various positions and titles of the lawyers serving at the Law Office of the Republic are set out, by order of hierarchy, in the following Table, which also includes information as to the specific numbers of men and women serving in each position.

<b>Title of position</b>	<b>Total number of officers serving in this position</b>	<b>Number of female officers serving in this position</b>	<b>Number of male officers serving in this position</b>
Attorney-General	Mr. Costas Clerides		
Deputy Attorney-General	Mr. Rikkos Erotocritou		
Attorneys of the Republic	4	2	2
Senior Counsel of the Republic	14	10	4
Counsel of the Republic A'	16	11	5
Counsel of the Republic	44	37	7
<b>Total</b>	<b>80</b>	<b>60</b>	<b>20</b>
Public Prosecutors (serving under the authority of the Attorney-General, but not members of the Law Office)	34	26	8

It transpires from the above figures that approximately 75% of the legal personnel of the Law Office of the Republic are women.

It is also noted that two Counsel of the Republic serve abroad, one at the Permanent Representation of the Republic of Cyprus at the European Union the other as a seconded national expert at the European Commission (both female and included in the table above).

**4. Are there any specific recruitment and promotion policies, provisions and/or quotas to ensure non-discrimination and equal opportunities, e.g. for the underrepresented sex, for persons with disabilities or for persons belonging to ethnic or religious minorities or of immigrant origin?**

The lawyers serving at the Law Office of the Republic under the Attorney General are public officers, whose appointment and promotion is governed by the Laws/policies generally applicable for the entire Public Service. In the specific context of the present question the following Laws are of relevance:

The Recruitment of Persons with Disabilities in the Public Sector (Special Provisions) Law of 2009, Law No.146(I)/2009. The said Law provides for 10% of vacant posts (each time advertised) in the public sector, to be allocated to candidates who are persons with disabilities. It is considered as a tool to compensate for reduced employment opportunities for people with disabilities, through the creation of an obligation for public service organisations to recruit, in all vacancies, a percentage from persons with disabilities who meet certain objective criteria. This obligation is based on guidelines provided by international conventions, EU Law and national law, including: the UN Convention for the Rights of Persons with Disabilities; the Treaty no. 159 of the International Labour Organization (ILO) for the Vocational Rehabilitation and Employment of Disabled Persons; the EU Charter of the Fundamental Social Rights of Workers of 1989; Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation; the Persons with Disability Law, Law No.127(I)/2000 as amended.

Section 44 of the Public Service Law, Law No.1/1990 as amended, provides that a person with disability, who is a candidate for a position and holds all necessary qualifications required by the scheme of service, will be preferred.

The Law on Equal Treatment in Employment and Occupation, Law No. 58(I)/2004, which was enacted for the purposes of harmonization with Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation, provides for equal treatment in employment and occupation. The said Law implements the principle of equal treatment regardless of age, sexual orientation, racial or ethnic origin, religion or belief, in all stages of a professional relationship.

The Equal Treatment of Men and Women in Employment and Vocational Training Law (Law No. 205(I)/2002). By the said Law the protection of individuals from less favourable treatment on grounds of sex is enshrined and the equality of opportunities between the sexes and the principle of equal treatment in all stages of a person's professional path is promoted. The law defines the purpose of the effective implementation of the principle of equal treatment of both sexes and achieving substantial equality and regulates issues relating to access to employment and/or vocational training, to the terms and conditions of employment and working conditions, career development, pay and conditions of dismissal. The same law stipulates as a general rule prohibiting discrimination based on sex, whether direct or indirect.

It is finally noted that under Article 28.2 of the Constitution “*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”.*

**5. Is OLA staff trained on gender equality issues and are these issues mainstreamed into OLA’s work?**

The Cyprus Academy of Public Administration has introduced, since 2012, the conduct of seminars on issues of Equal Treatment to newly recruited public officers. Seminars on this subject are also conducted to other public service employees.

**6. Briefly describe the organisation and structure of the OLA**

The Table set out in the reply to question 3 above explains the hierarchy of the various positions in the Law Office of the Republic and the number of lawyers serving in each position.

The Law Office of the Republic is organized in Sections, which include, the Criminal Law Section, Administrative Law Section, Civil Law Section, Legislative Drafting/Legal vetting Section, European Law Section, International Law Section, Human Rights Law Section, Public Procurement Law Section, Taxation/Financial Law Section. It must be noted, however, that due to the small number of the legal staff employed compared to the diversity of the competences of the Law Office and the volume of the work, strict specialization is not applicable and lawyers are allocated work from different Sections.

The International Law Section and the European Law Section carry out more specialized work and deal mostly with the legal matters referred to the Law Office by the Ministry of Foreign Affairs.

**7. What is the OLA’s place within the Ministry of Foreign Affairs?**

As explained in the reply to question 1 above, the Law Office of the Republic is an independent office headed by the Attorney General of the Republic.

**8. What are the main contacts of the OLA within Government?**

Close interaction and cooperation with Ministries and government departments within Ministries is part of the Law Office’s daily work. This may be, for example, in the context of providing legal opinions or advice, preparing pleadings in litigation where the Republic is a party, carrying out legal vetting of a Bill that a Ministry proposes to introduce before the House of Representatives for debate. With regard to Public International Law, although legal work emanates mainly from the Ministry of Foreign Affairs, it must be noted that often other Ministries require advice and guidance on issues of International Law (for example in negotiating and concluding an International Agreement or the signature of an MOU).

**9. Please describe the relations of the OLA with lawyers in private practice, academics and legal institutions.**

The Law Office of the Republic maintains excellent working relations with the private practice and with academic institutions. For example, during the Cyprus Presidency of the Council of the European Union (July-December 2012), lawyers from the private practice and Cypriot academics offered to the Law Office expert assistance and cooperation, inter alia, by acting as chairs or deputy chairs of a number of Council Working Parties falling under the responsibility of the Law Office of the Republic. Also, in many instances where advice on complicated and/or specialized issues of international law is required, the Law Office resorts to specialized counsel or academics for their contribution. Furthermore, the services of

specialized external counsel may be retained as regards the representation of the Republic in litigation abroad, e.g. before an International Court.

**10. Please provide a brief bibliography on the OLA, if available.**

n/a