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GRETA(2015)6

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**Reply from Cyprus  
to the Questionnaire for the evaluation of the implementation of  
the Council of Europe Convention on Action against Trafficking  
in Human Beings by the Parties**

**Second evaluation round  
(Reply submitted on 15 October 2014)**

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The Cypriot authorities have agreed to the publication of this reply.

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## Introduction

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

GRETA has decided that the second evaluation round of the Convention will start on 15 May 2014. For the second evaluation round, GRETA has adopted a questionnaire to be sent to all states parties which have undergone the first round of evaluation, following a timetable approved by GRETA. States parties are requested to transmit to GRETA a reply to this questionnaire within five months from the date it was sent.

Following a first round of monitoring, which provided an overview of the implementation of the Convention by each state party, GRETA has decided to examine during the second evaluation round the impact of legislative, policy and practical measures on the prevention of trafficking, the protection of the rights of victims of trafficking, and the prosecution of traffickers. The adoption of a human rights-based approach to action against trafficking in human beings remains at the centre of this new evaluation round. In addition, particular attention is paid to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking. GRETA has selected provisions of the Convention which are mainly related to these issues.

The reply to the questionnaire should be submitted in one of the official languages of the Council of Europe (English and French), and preferably also in the original language. The reply to the questionnaire should contain all the relevant information on the implementation of the Convention since GRETA's first evaluation report. Particular emphasis should be put on the practice and impact of legislative and other measures taken. Where appropriate, in order to avoid unnecessary repetition, the reply may refer to information contained in the report submitted by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's first evaluation report.

States parties should provide copies or extracts of relevant legislation, regulations and case law mentioned in the reply to the questionnaire (as an appendix to the reply). These copies/extracts should be supplied in the original language and, wherever possible, also in one of the official languages of the Council of Europe.

A variety of stakeholders and civil society representatives should be effectively consulted in the preparation of the reply to the questionnaire, to ensure that the information provided is as comprehensive as possible.

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## A. Follow-up questions

1. Please provide information on developments since GRETA's first evaluation report on your country in the following areas:

- the main forms of trafficking in human beings (THB) and emerging trends observed in your country (for example, any new types or sectors of exploitation, recruitment methods, countries of origin or destination of the victims);

Cyprus is predominantly considered to be a destination country for trafficked persons. The majority of the victims in Cyprus are trafficked for the purpose of sexual and labour exploitation.

Sexual and labour exploitation are the most common forms of exploitation identified in the Republic of Cyprus. Traffickers usually use force and abuse of the position of vulnerability of the victim or the "debt bondage" as means of manipulation and control. The victims are forced into prostitution, labour exploitation or other criminal activities through the use of threats and/or deception, and consequently, end up living under slave-like conditions as their fundamental rights and freedoms are violated.

Over the past few years, victims of trafficking in human beings have been mainly nationals from countries of the former Soviet Union, but recently the number of the identified victims from Eastern Europe, India, the Philippines, Morocco, and Vietnam has increased.

- any changes in your country's laws and regulations relevant to action against THB;

Law 13(I)/2012, which came into force in March 2012, provided that four, instead of two, NGOs participate in the Multidisciplinary Coordinating Group, among other things.

In addition, on 15/4/2014 Law 60(I)/2014 that revises the Legal Framework regarding the Prevention, Combating Trafficking and Exploitation of Human Beings and Victim Protection was ratified in April 2014. This Law is aligned with Directive 2004/81/EC and with Directive 2011/36/EU and replaces the previous national Laws concerning trafficking in human beings. Moreover, this Law provides for the protection and promotion of the rights of victims, without any discrimination regarding sex, race, political beliefs, color, religion, language, national or social origin and association with a national minority, property, birth or other status.

This Law penalises the use of services provided by victims of trafficking when there is reasonable suspicion that the service is provided by a victim of trafficking. It also provides for an independent external evaluator that will monitor trends and evaluate the actions taken by the Multidisciplinary Coordinating Group that deals with trafficking in human beings, while also providing for the creation of a fund for the support of victims of trafficking.

Please also note that Law 60(I)/2014 has expanded the definition of victim to include persons that were trafficked and/or exploited, irrespectively of whether these persons sustained damage or not.

- the institutional framework for action against THB, in particular: any changes in respect of the composition and functions of the bodies responsible for co-ordinating national action against THB, the involvement of NGOs in co-ordinating bodies, the entities specialised in the fight against THB, and the establishment of a national rapporteur or other mechanism for monitoring the implementation of anti-trafficking strategies, policies and activities;

Law 60(I)/2014 continues to provide for a National Coordinator, who is the Minister of Interior (first established under Law 87(I)/2007), with the following additions to his duties:

- he can convene, whenever he thinks appropriate, meetings with Ministers or General Directors of Ministries that have services that are involved in dealing with issues of trafficking in human beings, as well as with the General Attorney and the Chief of Police.
- He submits, according to article 20 of the Directive 2011/36/EU the required information to the European Anti-trafficking Coordinator every two years.
- He can, if he deems it necessary, invite spokespeople, experts and specialists of other state services, local authorities and other organisations or institutions.

The Multidisciplinary Coordinating Group continues to operate under Law 60(I)/2014, with the same duties and with the addition of another member, namely, a representative from the Union of Cyprus' Municipalities. The members of the group in question, apart from the National Coordinator, now are:

- ❖ The Attorney General of the Republic of Cyprus, or his representative
- ❖ The Chief of Police or his representative
- ❖ The General Director of the Ministry of Justice and Public Order, or his/her representative
- ❖ The General Director of the Ministry of Foreign Affairs, or his/her representative
- ❖ The General Director of the Ministry of Labour, Welfare and Social Insurance, or his/her representative
- ❖ The General Director of the Ministry of Education and Culture, or his/her representative
- ❖ The General Director of the Ministry of Health, or his/her representative
- ❖ The Director of the Department of Labour, of the Ministry of Labour, Welfare and Social Insurance, or his/her representative
- ❖ The Director of the Department of Registry and Immigration, of the Ministry of Interior, or his/her representative
- ❖ The Director of the Department of Social Welfare Services, of the Ministry of Labour, Welfare and Social Insurance, or his/her representative
- ❖ The Head of the Asylum Service, of the Ministry of Interior, or his/her representative
- ❖ A spokesperson of the National Machinery for the Rights of Women
- ❖ A spokesperson from the Union of Cyprus' Municipalities
- ❖ Spokespeople of up to four Non Governmental Organisations

Law 60(I)/2014 also provides for an independent external evaluator to monitor and evaluate all anti-trafficking actions (equivalent to National Rapporteur and responsible for completing the tasks mentioned in article 19 of the Directive 2011/36/EU). The Law stipulates that the independent external evaluator needs to be an independent institution or organization or person that specialises in and has adequate experience on issues relating to trafficking in human beings. This person/organisation/institution will examine trends regarding trafficking on a national and international level and will evaluate the results of the actions taken by the Republic of Cyprus to combat trafficking in human beings as well as the implementation of the action plan for combating trafficking in human beings, by, among other things, gathering statistical data in close cooperation with the services involved and relevant NGOs. The independent external evaluator will submit reports with the results of his/her evaluations and suggestions regarding additional or other measures that should be taken. The Ministry of Interior is taking the necessary actions to obtain the services of an independent external evaluator.

Please note that the National Action Plan against trafficking in human beings also provides for its evaluation by the external evaluator (midterm and final) and by the Multidisciplinary Coordinating group (midterm and final evaluation).

Lastly, since 2011, the number of persons working in the Office of Combating Trafficking in Human Beings (OoCTHB) has increased to eight. Among the personnel there are persons with degrees in studies related to humanitarian issues such as psychology, criminology, social work, etc. Moreover, if such need arises, the OoCTHB is reinforced with investigators from criminal investigation

departments. Another important measure that has been put in place is the establishment of interviewing sessions with potential victims.

- an overview of the current national strategy and/or action plan to combat trafficking in human beings (duration, objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results).

One of the most important developments is the adoption of the new National Action Plan against Trafficking in Human Beings 2013-2015 which sets a comprehensive framework to address trafficking in human beings within the context of Cypriot reality. The new Action Plan was prepared by the Multidisciplinary Coordinating Group and was approved by the Council of Ministers on 10 April 2013. The Action Plan 2013-2015 resulted from the evaluation of the previous Action Plan 2010-2012 and the recommendations of the working groups appointed for this purpose. It took into consideration the provisions of the Directive 2011/36/EU, the European Strategy against Trafficking in Persons 2012-2016 and the recommendations of the Commission of Experts of the Council of Europe.

The Action Plan 2013-2015 covers all aspects of the problem (Coordination, Prevention, Identification of Victims, Victims' Protection and Assistance, Suppression and Prosecution. Data Collection, Training, International Cooperation, Evaluation) and includes practical measures and actions which must be implemented within specified timeframes. Examples of the actions included are: training of public servants, frontline responders, and judges, production of informative material, awareness raising campaigns, seminars in schools, training of personnel working in the media, translating the contracts of employment in the languages of the countries of origin of aliens with a high risk of exploitation and evaluation of its contents so as to weaken the impression that the employee is dependent on the employer, cooperation with local authorities and other competent bodies for the identification of possible victims, increase of checks and investigations of private and other premises in which trafficking and exploitation of human beings might be taking place, etc. These actions are assigned to different members of the Multidisciplinary Coordinating Group.

## **B. Cross-cutting questions**

### **Gender equality (Articles 1.1.b, 5.3 and 17)**

2. What specific measures are taken in your country to address the gender dimension of THB and incorporate gender equality into the policies to prevent and combat THB and to protect and promote the rights of victims, including through the empowerment of women and girls?

As mentioned above, on the 15/04/2014 Law 60(I)/2014 was adopted and put in force, for purposes of compliance with the Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims. The new legislation provides for the protection of victims, for safeguarding and protecting the human rights of the victims, irrespectively of their sex, race, political beliefs or color, religion, language, national or social origin, association with a national minority, property, birth or other status.

According to Article 47, L 60(I)/2014, any victim, regardless of nationality, and regardless of whether the victim possesses his/her personal documents, provided that s/he does not have sufficient resources, has the right to:

- a. the necessary resources for subsistence, including appropriate and safe accommodation, psychological, material and financial assistance,
- b. access free emergency medical treatment and basic free medical treatment,
- c. translation and interpretation services, if necessary,
- d. access educational programs,

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- e. receive treatment of special needs arising from pregnancy, state of health, disability, mental or psychological disorder or serious forms of psychological, physical or sexual violence.

Any victim, who holds a temporary residence permit or certificate of identification, has the right to:

- a. access the labour market through the Public Employment Services in the same way as Cypriot citizens,
- b. access vocational training and education provided by the Human Recourse Development Authority under the terms and conditions of the National procedures and policy decisions of the Ministry of Labour and Social Insurance in relation to the employment training and education,
- c. access programs or systems provided by the Government or Non-Governmental Organizations that have a protocol of cooperation or specific agreements with the concerned departments of the Republic as appropriate, for the victims' rehabilitation, which may include courses designed to improve their professional skills or preparation of their return to their country of origin.

Apart from the provisions of the Law, the personnel of the Office of Combating Trafficking in Human Beings, during interviewing sessions with victims, puts a lot of effort into empowering the victims, especially women and children. The aim is to help the victim recover from victimization and to gain confidence and become able to participate in judicial proceedings.

Please also note that there is a state shelter in which female victims of sexual exploitation can reside and where the victims have access to psychological support. Male victims and female victims of labour exploitation are assisted to find accommodation elsewhere.

In addition, the National Machinery for Women's Rights (NMWR) supports and subsidises NGOs working in the field of equality between men and women, either through the annual sponsorship, or through grants given to NGOs for carrying out research/studies or other activities related to sexual exploitation and trafficking in women.

The Secretary General of the NMWR participates in the Multidisciplinary Coordinating Group against Trafficking in Persons, which, during 2013 focused its work on the evaluation of the previous National Plan of Action against Trafficking in Human Beings (2010-2012), the preparation of a new one (2013-2015), the organisation of an awareness-raising campaign on combating sexual and labour exploitation and prostitution, in cooperation with the Commissioner for Administration and Human Rights and the Ministry of Interior, with the financial aid of the NMWR, as well as the training of professionals.

In addition, the Secretary General of the NMWR participated in the meeting with members of the Group of Experts on Action against Trafficking in Human Beings (GRETA) (4/03/2013) and various meetings at the Office of the Commissioner for Administration and Human Rights on the issues of prostitution (04/17/2013) and the demand of services from victims of prostitution (04/09/2013).

Besides, "*Combating all Forms of Violence Against Women, including Trafficking in human beings*" was one of the six priority areas of the National Action Plan on Gender Equality 2007-2013. In the new Strategic Plan on Equality between Women and 2014-2017, which is at the final stages of its drafting, there is also a Chapter on Violence Against Women, including trafficking and exploitation of women.

Lastly, during 2013 – 2015, the Ministry of Education and Culture organizes the conference "Education and Gender Equality" which is address to all primary and secondary school teachers.

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**Non-discrimination (Article 3)**

3. What measures are taken to ensure that trafficked persons who are members of ethnic minorities have access to the rights specified in the Convention?

Laws and policies concerning the rights of the victims of trafficking do not discriminate against any ethnic minority. Services are provided to victims regardless of their ethnicity or any other social characteristics. More specifically, according to Law 60(I)/2014, article 4(1), the implementation of this Law by any service involved and NGO and especially the enjoyment of the measures for the protection of and promotion of the rights of the victims is ensured without discrimination of any kind, including due to sex, race, colour, language, religion, political or other beliefs, national or social descent etc.

Moreover, all victims of trafficking, including victims that are members of ethnic minorities, have full access to employment. Victims who wish to work, can visit the Public Employment Services, where they are supported in finding employment by a trained employment counsellor through a personalised approach.

The answer to question 2 is also relevant.

4. What specific measures are taken to ensure that trafficked persons who are irregular migrants or migrant workers are identified as victims of THB and have access to the rights provided for in the Convention?

Services are provided to victims of trafficking by the Social Welfare Services as soon as a person is identified as a (potential) victim of trafficking by the Police, even if that person is an irregular migrant or a migrant worker.

All victims of trafficking, including victims that are irregular migrants or migrant workers, have full access to employment. Victims who wish to work can visit the Public Employment Services, where they are supported in finding employment by a trained employment counsellor through a personalised approach.

Question 2 is also relevant.

Please note that although there are no established procedures, there is a very good cooperation between several police departments dealing with trafficking cases, as well as with all the governmental departments and other organizations which deal with trafficking issues.

A lot of specialized and systematic training takes place in order to educate police officers, especially front line responders such as immigration officers, members of the community policing and criminal investigation department's officers. These trainings include an overall awareness of the front line officers on trafficking issues, the evolving trends, how to deal with potential victims and persons found during police operations, identification techniques, handling of victims, etc.

Another measure that has been taken by the Police in order to facilitate front line officers, and all police officers in general, regarding victim identifications and handling is the adoption of the "Identification Process Manual". The manual is based on the International Labor Organization Indicators (ILO) for identifying victims of trafficking, the World Health Organization & ICMPDS research and on the provisions of the anti-trafficking Law. The manual intends to assist police officers when dealing with trafficking cases and potential victims.

Moreover, the Police have issued a pocket size operational guide. The Operational Guide includes issues such as the difference between human smuggling and human trafficking, international human

trafficking, domestic human trafficking, possible Indicators of human trafficking victims, victims' mind-sets, screening tools for victims, steps to take at the scene and related offences to human trafficking.

5. What measures exist to ensure that male victims of trafficking are identified and provided with assistance and protection, including safe accommodation, as provided by the Convention?

According to the Public Assistance and Services Law 2006-2012, until 10/07/2014, the Social Welfare Services provided financial support to male victims of trafficking, which included accommodation expenses. From 11/7/2014 the Law for the Minimum Guaranteed Income was introduced (L. 109(I)/2014), according to which, victims of trafficking are eligible for applying to become beneficiaries of the guaranteed minimum income provision (independent of their age or time of residence in the Republic), in the calculation of which the cost of decent housing is included.

Please also see answer to question 4.

### **Training of relevant professionals (Articles 10 and 29)**

6. Please describe how the needs for training of professionals in the area of action against THB are identified and met, with an indication of the categories of staff that receive such training, whether the training is obligatory or optional, the content and focus of the training, and the funding provided for training activities. If the impact of training has been assessed, please provide details.

Trainings take place according to the needs of services involved. According to Law 60(I)/2014, article 42, all services involved have an obligation to regularly train their staff that might come into contact with victims and potential victims of trafficking in human beings regarding the obstruction and combating of trafficking in human beings, identification of victims and potential victims, establishing their identity and providing assistance, especially concerning children. The services' obligation to train their staff was also provided for in Law 87(I)/2007.

Cyprus acknowledges that the training and awareness of all government officers and other stakeholders, and not only of the law enforcement agencies and policy makers, is fundamental in preventing and combating THB. The aim is to ensure that all relevant stakeholders receive training, including relevant public officers, such as labour inspectors, social service officers, medical professionals, diplomats, asylum and migration officers, police, prosecutors and judiciary, etc. Services can submit their requests for training to the Ministry of Interior, based on identified needs.

For example, on 3 May 2012, a training seminar was organised for the Officers of the Social Welfare Services, on victim's behaviour and trauma. The training was co-organised by the American Embassy, the Social Welfare Services and the Ministry of Interior and was co-funded by the US Embassy and the Ministry of Interior. The Seminar was held by Judge Virginia M. Kendall, Ms Florence Reed Burke, Clinical Psychologist and Mr. Daniel Brier, Esq.

On 3 June 2013, a training seminar was organised for the Social Welfare Officers and Psychologists of Mental Health Services. The training was co-funded by the US Embassy and the Ministry of Interior. Ms Florence Reed Burke, Clinical Psychologist, presented the topic of improving victim support and assistance.

On the 27-28.2.2013, a two-day training addressed to members of the Consular Staff took place. The training was held by the representative of the Ministry of Interior and the Head of the Office for Combating THB of the Cyprus Police. During the training, a representative of the Ministry of Interior delivered a presentation on the state of affairs of combating THB. The Head of the Office for Combating THB of the Cyprus Police delivered a presentation on THB-related risks during the visa application system.



In addition, specialized and systematic training takes place in order to educate police officers, especially front line responders such as immigration officers, members of the community policing and criminal investigation department's officers. These trainings include an overall awareness of the front line officers on trafficking issues, the evolving trends, how to deal with potential victims and persons found during police operations, identification techniques, handling of victims, etc.

Obviously, training of professionals is a very important issue in the fight against trafficking in human beings. The need for training professionals in the area of action against THB is identified by the OoCTHB. In order to identify the needs for training, by the end of each year, an assessment on court decisions is carried out taking into consideration SOCTA and OCTA in connection with the situation in Cyprus and the legal framework. All training programs are carried out in combination with CEPOL's common curriculum. Courses are divided according to the needs of the target groups, which are members of the Immigration Department, Community Policing, Criminal Investigation Departments and other members who are entitled to carry out operations.

After the identification of training needs, the OoCTHB, in collaboration with the Cyprus Police Academy, prepare specialized courses to meet those needs. Generally, THB specialized training programs include subjects such as law, victims' identification, EU strategies, investigation techniques, trends, connection with other crimes, etc.

Apart from those specialized training programs, knowledge on THB issues is offered to all members of the Cyprus Police during regular training programs that are offered at the Police Academy, such as basic training programs for recruit police officers, sergeant courses, and crime investigation courses.

### **Special measures concerning children (Articles 5, 10, 11, 12, 14, 15, 16, 28 and 30)**

7. Please describe whether and how trafficking in children is specifically addressed in your country. If there are institutions responsible for taking the lead in combating trafficking in children and a specific national referral mechanism for child victims of trafficking, please provide details.

The Revised Legal Framework on Trafficking and Exploitation of Persons and Protection of Victims Law 60(I)/2014, includes special provisions concerning children victims of trafficking and exploitation, specific provisions concerning the protection of children victims of trafficking within the framework of criminal investigations and procedures and special provisions for unaccompanied minors, victims of trafficking, specifically concerning the provision of support and protection. Furthermore, the Law for the Prevention and Combating Sexual Abuse and Sexual Exploitation of Children and Child Pornography Law 2014, which is a transposition of the Directive 2011/93/EU, including provisions of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, includes special provisions concerning the protection of children against sexual exploitation and sexual abuse. The Social Welfare Services is the competent authority for the protection of minor victims of trafficking. The above mentioned Laws provide measures for the prevention of exploitation of children through the coordination of governmental, non-governmental and private organizations.

8. What practical measures are taken to reduce children's vulnerability to trafficking and create a protective environment<sup>1</sup> for them, including through:
- a. ensuring registration of all children at birth, in particular from socially vulnerable groups;
  - b. raising awareness of THB through education;
  - c. training professionals working with children.

a. All children are registered at birth by law. Birth certificates are issued at all District Administration Offices. In order to register the new-born child in the Birth Register, the application form should be completed and signed by the Doctor who delivered the child and a copy is kept at the hospital's/clinic's records, another copy is sent to the Competent District Administration Office by the hospital/clinic and a third copy is given to the child's parents, in order for them to submit it to the Competent District Administration Office. The registration of the child can take place in any District Administration Office, independently from the child's birth place.

Birth certificates can be issued if the citizen's relevant details are registered in the Civil Registration System.

b. The NGO Cyprus Stop Trafficking, a member of the multidisciplinary Coordinating Group, conducts trainings in Universities and army camps, in order to educate young people concerning trafficking in human beings and reduce demand for the services of victims.

Moreover, the Ministry of Education and Culture has included material on THB in its curriculum.

c. Social Services Officers receive training on issues concerning trafficking in cooperation with the Ministry of Interior.

9. Please explain what methods are used to verify the age of a presumed victim of trafficking where the age is uncertain and there are reasons to believe that the person is a child. Would such a person be presumed to be a child until the age verification is completed?

At present, there are no methods used to verify the age of a presumed victim of trafficking. According to Article 49, L 60(I)/2014, when there is uncertainty regarding the age of the victim and there are reasons to believe that the person is a child, the victim is presumed to be a child. Services are provided and procedures are followed concerning child victims of trafficking, in order to safeguard the rights of the minor.

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<sup>1</sup> The concept of a protective environment, as promoted by UNICEF, has eight key components:

- protecting children's rights from adverse attitudes, traditions, customs, behaviour and practices;
- government commitment to and protection and realisation of children's rights;
- open discussion of, and engagement with, child protection issues;
- drawing up and enforcing protective legislation;
- the capacity of those dealing and in contact with children, families and communities to protect children;
- children's life skills, knowledge and participation;
- putting in place a system for monitoring and reporting abuse cases;
- programmes and services to enable child victims of trafficking to recover and reintegrate.

10. What steps are taken in your country to ensure that the rights of the child and his/her best interests<sup>2</sup> are duly taken into consideration, in particular when it comes to:

- a. identification of child victims of trafficking;
- b. appointing a legal guardian, organisation or authority which shall act in the best interest of unaccompanied minors identified as victims of trafficking;
- c. locating the child's family;
- d. ensuring that the identity or details allowing the identification of a child victim of trafficking are not made publicly known through the media or by any other means;
- e. access to appropriate and secure accommodation, education and health care;
- f. issuing residence permits for child victims of trafficking;
- g. providing counselling and information in a language that the child can understand, legal assistance and free legal aid prior, during and after legal proceedings, including to claim compensation;
- h. carrying out best interests determination, including risk assessment, prior to any decision on the return of child victims to their country of origin, and ensuring the child's safe return in accordance with the best interests of the child;
- i. special protection measures for children.

a. If a child is presumed to be a victim of trafficking in human beings, then the Police will interview the child in the presence of a Social Welfare officer, who is responsible to safeguard the best interests of the child. Law 60(I)/2014 prescribes that the interviews need to take place without undue delay, in appropriate places, by specialists, if possible, and people of the same sex and that they are as limited as possible (article 38).

Also see question 11.

b. The Law also provides that an unaccompanied minor, victim of trafficking, will be represented by the Director of the Social Welfare Services, for the exercise of its rights in the framework of the penal procedures and investigation, in cooperation with the Commissioner for the rights of children (art, 41). Moreover, according to the Refugees Law 2000-2014, in cases where the victim is an unaccompanied minor, the minor is taken into the care of the Director of Social Welfare Services, who acts in the best interests of the child. Furthermore, according to the Revised Legal Framework on Trafficking and Exploitation of Persons and Protection of Victims Law 2014, the Director of Social Welfare Services is appointed as a representative of the minor within the framework of the criminal investigation and procedure, in cooperation with the Commissioner for Protection of the Rights of the Child.

c. In cases of unaccompanied minors, the Social Welfare Services cooperate with the International Social Service and non governmental organizations, in order to locate the family of the minor and reunite him/her with his/her family, as long as it is in the best interest of the minor. Furthermore the Social Welfare Services cooperate with the Asylum Service, within the framework of the Dublin Regulation, for the purpose of family reunification with family members of the minor within the European Union.

d. The Social Welfare Services ensure that the identity and/or any details allowing the identification of the child victim of trafficking are not made publicly known through the media or any other means.

Moreover, the privacy and identity of victims is protected by the involved agencies or non-governmental organizations, and their personal data are always processed in accordance with the provisions of the Processing of Personal Data (Protection of Individuals) Law 2001, as amended or replaced.

<sup>2</sup> "The best interests of the child" means that any situation should be looked at from the child's own perspective, seeking to take the child's views into consideration and with the objective of ensuring that his/her rights are respected. Any decision concerning a child should therefore be guided by what is objectively best for that child, given her/his age and maturity.

e. In cases where the victim is an unaccompanied minor or in cases when parents/guardians of the minor fail to protect him/her, the minor is placed in the care of the Director of the Social Welfare Services, who acts as a guardian of the minor, safeguarding safe accommodation (in foster care or Child Protection Institution), access to education and health services.

f. The Director of the Social Welfare Services promotes the procedure for immediate issuance of a temporary residence permit. In all other cases the Minister of Interior grants temporary residence permit.

g. The Social Welfare Services provide counseling and information in a language that the child can understand. In some cases an interpreter can be used. In cases where the child victim is under the care of the Director of the Social Welfare Services, legal assistance and legal aid is provided by the Commissioner of the Rights of the Child based on article 4(1) of the Commissioner of the Rights of the Child Law 2007.

h. The Social Welfare Services, in cooperation with the relevant services both in Cyprus and in the country of origin of the minor, determine the best interests of the child regarding the possibility of safe return of the child to the country of origin.

i. Special protection measures for children are included in the Revised Legal Framework on Trafficking and Exploitation of Persons and Protection of Victims Law 60(I)/2014. According to article 49, all the services involved have to promote the best interests of the child and to ensure that he/she has access to all his/her rights (for example access to education). Also, if it appears that his/her parents are not acting in the best interests of the child, the Social Welfare Services ensure that a Commissioner is appointed, as described in the relevant law.

11. What practical measures are taken in your country to identify victims of trafficking among unaccompanied foreign minors, including asylum seekers? What measures are taken to prevent their disappearance? Have there been cases of non-voluntary return of child victims of trafficking?

Article 46, L 60(I)/2014 provides that:

- (1) During the identification process, the OoCTHB applies the provisions of Article 30 and also provides the information specified in subsection (2) of Article 33, insomuch as the potential victim is identified as a victim within the framework of this Law.
- (2) The interview takes place in a language understood by the victim with the free assistance of an interpreter, when necessary, to ensure appropriate communication with the victim.
- (3) If the potential victim is a child or an unaccompanied minor, a legal guardian or court-appointed representative or his legal representative is always present during the interview carried out in order to identify the child as a victim, as appropriate and the provisions of Articles 39, 41 and 50 apply accordingly.
- (4) After the recognition of a person as a victim, the OoCTHB grants the person a certificate of recognition, initially covering a two month period for reflection purposes. The certificate may be revised either for reflection purposes or for the victim to enjoy the rights prescribed in this Law after the reflection period.
- (5) The OoCTHB, based on internal regulations of the Police, and based on this Law, proceeds to the identification of victims.

If the Social Welfare Services or other stakeholders like the Immigration Department have reasonable grounds to believe that a minor is a victim of THB, or in cases which meet the criteria for identifying victims, the social workers or immigration officers or any other official stakeholders who are in contact

with minors, notify the Office of Combating Trafficking in Human Beings so as to arrange interview sessions with the children, in the presence of the Social Welfare Services' officials.

During the identification procedure, minors are accommodated in special shelters for children, which are under the aegis of the Social Welfare Services.

So far, there have been no cases of non voluntary return of a child victim to his/her country of origin.

12. What programmes and services exist in your country for the (re)integration of child victims of trafficking? What solutions are provided if the reintegration of the child into his/her family is not in the child's best interests?

The Director of the Social Welfare Services, who acts as a guardian of the child, cooperates with all the relevant authorities in order to assess the situation of the child and take the appropriate measures and actions for the (re)integration of the child victim of trafficking. If it is not in the best interest of the child to be reintegrated into his/her family, the child remains in the care of the Director of the Social Welfare Services, who will place the child in foster or institutional care, according to the needs of the child.

## **C. Questions related to specific articles**

### **Definitions (Article 4)**

13. Have any difficulties been experienced in your country in identifying and prosecuting cases on the ground of trafficking for the purpose of forced labour or services, slavery and practices similar to slavery or servitude? If so, please provide details.

According to the definition given by the anti-trafficking Law (L 60(I)/2014), "trafficking in human beings" means the recruitment, hiring, transportation, transfer, harbouring, or reception or sheltering of persons, including the exchange or transfer of the control or power over that person, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or the giving or of receiving of payments or benefits or allowances to achieve the consent of a person having control over another person for the purpose of exploitation.

There are a number of difficulties in identifying and prosecuting cases on the ground of trafficking for the purpose of forced labour or services, slavery and practices similar to slavery or servitude. As regards the identification of forced labour, the element of coercion in forced labour is often not that clear, and individuals involved in such schemes are not in a position to assess whether or not they per se, are victims of exploitation. Consequently, victims of forced labour rarely report their victimization to the police.

The problem that arises is that there is sometimes a thin line between victims of trafficking and work differences between the employee and the employer. As a result, the possibility that some victims of trafficking may be referred to the Ministry of Labour, Welfare and Social Insurance instead of the police or the Social Welfare Services cannot be excluded.

The Ministry of Labour, Welfare and Social Insurance has asked a joined training for its officers from various departments, so as to address this issue and assist its inspectors to identify possible victims of trafficking when they inspect different premises.

14. How does your country's law define "abuse of a position of vulnerability" and what are the criteria for evaluating the vulnerability of a person subjected to THB? Please provide any relevant examples where the means used in THB offences involved an abuse of a position of vulnerability.

According to L 60(I)/2014, "abuse of a position of vulnerability" occurs when a victim is in a situation in which there is no real or acceptable alternative and the victim must undergo or succumb to a particular abuse. The criteria for evaluating the vulnerability of a person are established by the manual for identifying victims of human trafficking of the Cyprus Police. According to this manual such criteria consist of the following indicators:

- Difficult family situation
- Difficult personal situation (psychological)
- Illegal status
- Lack of education
- Language barrier
- Economic hardships
- Cultural barriers
- Religious engagements
- Dependency on exploiters

There are a lot of examples where the "position of vulnerability" was used by traffickers to lure their victims to exploitation.

Such an example is the case of an African lady, whose victimization came to the attention of the Office of Combating Trafficking in Human Beings in August 2013. This lady was transported from Africa to the occupied areas of the Republic of Cyprus and kept locked in a basement of a mansion during her six-month sexual exploitation. She was lured to travel to Cyprus by false employment promises. The traffickers exploited the fact that she could neither speak the native language nor English, she was not familiar with the local culture, she had no social bonds with anyone, and her traditional background prevented her from returning home and disclosing her victimization, as she would automatically be stigmatized and isolated. All these elements rendered her vulnerable to exploitation and suppressed her willingness to escape.

In concern with the "position of vulnerability", the most recent decision of the Criminal Court over a trafficking case (The Republic of Cyprus v. Danail Naydenov) for sexual exploitation seems to be quite important. The court took into consideration and gave a definition on the "abuse of a position of vulnerability". The court, while there is no relevant domestic case law, made reference to Dutch case law. According to that case law, "for an act to constitute "abuse of a vulnerable position" and "misuse of authority" arises from the actual state of affairs and two factors must be proved: the existence of such a situation and awareness of that situation on the part of the suspect.

Also the Criminal Court made reference to the case "The Hague District Court 17 February 2010". This case involved five victims, two of whom were minors. Following a psychological examination, it was established that one of the adults functioned at a very low level of intelligence. Consequently the court found that the existence of a vulnerable position had been proven.

15. To what extent does your country's law recognise the relevance of forced marriage and illegal adoption to THB offences? Please provide any examples from case law where forced marriage and illegal adoption were considered in the context of THB.

According to the definition given by the anti-trafficking Law (L 60(I)/2014), "trafficking in human beings" means the recruitment, hiring, transportation, transfer, harbouring, or reception or sheltering of persons, including the exchange or transfer of the control or power over that person, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of

power or of a position of vulnerability or the giving or of receiving of payments or benefits or allowances to achieve the consent of a person having control over another person for the purpose of exploitation.

Exploitation is defined as “exploitation of the prostitution of others or other forms of sexual exploitation including pornography, labour exploitation or other services including forced labour or services, begging, forced pedlary and in the case of children it also includes the worst forms of child labour, slavery or practices similar to slavery, servitude or exploitation of criminal activities, exploitation of a person to conduct an adoption and exploitation of a person for removal, sale and trafficking of human organs or other biological substances, tissues and foetuses.

Consequently the exploitation of a person to conduct an adoption is a THB offence. Moreover forced marriage can be considered as a THB offence as it falls under the legal definition of the exploitation of a person for other criminal activities.

In addition, the Hague Convention for the Protection of Children and Cooperation in Respect of Intercountry Adoption (Ratification) Law 1994 and the Adoption Law 1995, include provisions for the protection of the child to be adopted for the purpose of illegal adoptions. The exchange of money for the purpose of adopting a child is prohibited.

16. Can forced begging be considered as a purpose of THB according to your country’s law? Have there been any cases of child trafficking for forced begging with the involvement of the child’s family or legal guardian?

Law 60(I)/2014, defines “begging” as a form of exploitation and the trafficking of a person for the purpose of begging is penalized under the law and it is considered as a form of THB.

Before the implementation of this Law, according to the Children’s Law, Cap.352, begging (and forcing children into begging) was considered an offense for a parent/guardian. The Director of the Social Welfare Services was entitled to take the parental rights for the purpose of the protection of the child victim.

No such cases were identified as victims of trafficking.

17. Can the exploitation of criminal activities be considered as a purpose of THB according to your country’s law? Please provide any examples from case law.

The exploitation of criminal activities is considered as a purpose of THB according to Law 60(I)/2014. Since this law has only recently entered into force, there is no relevant case law yet.

### **Prevention of THB (Article 5)**

18. Is the impact of awareness-raising campaigns and other measures to prevent THB evaluated and how are the results taken into account? Please provide copies of any impact evaluation reports.

Several actions have been implemented as regards awareness raising campaigns (events, flea markets, free depiction of films, seminars for school teachers, students, soldiers etc). However, the results of these actions were not evaluated, in the sense that there was not a base indicator of the conceptions of society and no follow up evaluation took place. For example, in November-December 2013 a nationwide radio campaign took place with the aim to sensitise the public regarding trafficking in human beings. While the results of this campaign are not measurable, it is expected that it helped educate society and reduce demand for such services. The Ministry of Interior did not contract any impact evaluation reports.

19. How does your country promote and fund research on THB and use its results in the development of anti-trafficking policy? Please provide examples of recent research.

The National Machinery for Women's Rights (NMWR) supports and subsidises NGOs working in the field of equality between men and women, either through the annual sponsorship, or through grants given to NGOs for carrying out research/studies or other activities related to sexual exploitation and trafficking in women. Please also note that the Ministry of Interior accepts the requests it receives from researchers to cooperate in a research.

20. How do your country's migration legislation and policies seek to prevent THB by enabling lawful migration?

Since the abolition of the artists' visas and the implementation of the new policy regulating working permits for performing artists, the numbers of third country nationals entering the Republic to work as performing artists has drastically decreased (from 1136 such work permits in 2009 to just 55 in 2013).

Please also note that only third country citizens from countries with whom there is established cooperation with identified private employment labour offices are allowed to enter the Republic of Cyprus as domestic workers.

Regarding domestic help, because this is considered a vulnerable target group, it is also a prerequisite that they speak English or Greek in order to enter the Republic.

Lastly, an informative card is given to high risk groups at the entry points of the Republic regarding trafficking in human beings.

21. Please describe the measures taken in your country to prevent THB for the purpose of the removal of organs, and in particular:

- a. the legislation and regulations on organ transplantation and removal of organs, including requirements for the living donation procedure (information/consent, evaluation/selection, follow-up and registry) and criteria for authorising centres for living donation;
- b. the institution(s) in charge of overseeing and monitoring the medical care and recovery of donors and recipients and managing or supervising any waiting lists for organ transplantations;
- c. the guidance and training provided to relevant professionals to prevent this form of THB, to report cases and to identify and assist victims.

The Transplants Council is the relevant authority to implement the Directive 2010/52/EU regarding the quality and security standards of human organs that could be transplanted, and was appointed by the Council of Ministers in January 2013. The European directive was transferred in national law in August 2012.

The Council monitors and regulates the transplant system in Cyprus. It is responsible for many issues such as:

- the criteria that define the national waiting list for transplants, especially regarding the type of organ
- Transplant procedures, followed by the Transplant Clinic to ensure that patients will have equal access to organ transplant
- The promotion of the increase of organ donations of the public and the sensitisation of the medical and paramedical staff and training regarding donation and organ transplant
- Cooperation with the relevant organisations abroad regarding organ transplants
- Quality control regarding organ donation and transplant
- The implementation of bilateral agreements among countries regarding the donation and organ transplant, etc



More specifically, article 5 of the National legislation refers to the removal organisations, article 9 to authorised transplant centres, article 10 to organ traceability and article 33 to trafficking in human organs.

The transplant coordinator is a trained and specialized paramedic, that is assigned by the Minister of Health, and who coordinates all procedures regarding the identification of the organ donor, the supply of organs and the handling of organs for transplants.

### **Measures to discourage the demand (Article 6)**

22. What preventive measures to discourage demand that fosters different forms of exploitation has your country adopted, in particular in the areas of:

- a. educational programmes;
  - b. information campaigns and involvement of the media;
  - c. legislation (including in the areas of public procurement, disclosure requirements and anti-corruption);
  - d. involvement of the private sector.
- a. The Cyprus Pedagogical Institute of the Ministry of Education and Culture organizes training seminars and conferences for teachers. One main area includes the issues of human rights, sociolinguistic diversity, citizenship, gender equality, and health education. In addition, trainings in schools and army camps concerning trafficking in Human Beings have been taking place.
  - b. A nationwide radio campaign was launched in November-December 2013 in order to raise awareness regarding the issue of trafficking in human beings and sensitise the public. Other actions also took place such as film nights, dissemination of leaflets, organisation of events, a flea market, etc.
  - c. According to a new draft legislation that is being prepared regarding public procurement, article 58, that describes the reasons due to which someone can be excluded from the procurement procedure, it is stated that this can occur, among other reasons, for participating in a criminal organisation, corruption etc and includes child labour and other forms of human trafficking. This bill is drafted in order to align national law with Directive 2014/24/EU. Please also note that the current legislation regarding public procurement 12(I)/2006, article 51 states that a person or legal entity is disqualified from participating in a public procurement if there has been a conviction against him/her regarding participation in a criminal organisation, bribe, fraud or legalising money that come from illegal activities. Please also note that according to Law 60(I)/2014, article 24, the court can order that any legal person that has been convicted for any offence described in the present law, can be excluded from public grants or state aid.
  - d. There are four NGOs members of the Multidisciplinary Coordinating Group against Trafficking in Human Beings, as well as a representative from the Cyprus Municipalities Union.

23. Please describe the measures taken in your country to prevent trafficking for forced labour or services, *inter alia*, by means of labour inspection and labour administration, monitoring of recruitment and temporary work agencies, and monitoring of supply chains.

The Ministry of Labour, Welfare and Social Insurance (MLWSI) inspects workplaces concerning the terms of employment and living conditions of foreign workers. Also, new legislation on the operation of private employment agencies has been adopted in order to provide for stricter rules and better monitoring of their operation.

The MLWSI has established a mechanism for resolving complaints, specifically designed to address the needs of migrant workers, at each District Labour Relations office, where complaints regarding violations of their employment contract are examined. Any individual or group of persons, irrespective of whether they are Cypriots, EU nationals or Third country nationals, can benefit from the complaints mechanism procedure so as to ensure that their voice is heard and efforts are made for the labour dispute to be resolved in a mutually beneficial way.

During the year 2011, the Department has examined 1175 complains from Third country nationals, out of which 989 complains concerned domestic workers (82.4%), and 186 workers in other sectors of the economy (17.6%).

During the year 2012, the Department has examined 1126 complains from Third country nationals, out of which 911 complains concerned domestic workers (82.4%), and 215 workers in other sectors of the economy (17.6%).

During the year 2013, the Department of Labour Relations has examined 823 complains from Third country nationals, out of which 678 complaints concerned domestic workers (82.4%), and 145 workers in other sectors of the economy (17.6%).

As far as inspections are concerned, since April 2009, joint inspection units were established, in order to inspect enterprises for employees that are not registered with the Social Insurance Fund (undeclared work). These Units consist of inspectors from the Social Insurance Services, the Department of Labour and the Department of Labour Relations. The Department of Labour Relations coordinates the work of these joined inspection units.

During 2011, the joined inspection units, found 386 undeclared and 351 illegal nationals from third countries out of a total inspection sample of 7784 employees (4.9% and 4.50% respectively). Out of the 386 undeclared persons, 250 were found to work in the construction industry, 19 in the hotel/accommodation industry, 13 in the food and beverage service activities and 57 in various kinds of business entities. Out of the 351 undeclared persons, 207 were found to work in the construction industry, 15 in the hotel/accommodation industry, 65 in the food and beverage services and 64 in various kinds of business entities.

During 2012, the joined inspection units found 214 undeclared and 177 illegal nationals from third countries out of a total inspection sample of 6667 employees (3.20% and 2.60% respectively). Out of the 214 undeclared persons, 144 were found to work in the construction industry, 7 in the hotel/accommodation industry, 20 in the food and beverage services and 43 in various kinds of business entities. Out of the 177 illegal persons, 104 were found to work in the construction industry, 4 in the hotel/accommodation industry, 29 in the food and beverage services and 40 in various kinds of business entities.

During 2013, the joined inspection units, found 636 both undeclared and illegal nationals from third countries out of a total inspection sample of 7341 employees (8.7%). Out of these 636 persons, 338 were found to work in the construction industry, 38 in the hotel/accommodation industry, 111 in the food and beverage services and 149 in various kinds of business entities.

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### **Border measures (Article 7)**

24. Please describe the specific measures taken in your country to strengthen the capacities of border guards to prevent and combat THB, in particular as regards:

- a. identification of possible victims of THB in the context of border control;
- b. identification of possible perpetrators of THB offences;
- c. gathering of first-line information from victims and perpetrators;
- d. identification of vulnerable persons in need of international protection among possible victims of trafficking.

The above mentioned issues are included in the training courses of the Aliens and Immigration Department. Amongst the participants of these courses, are members of the Aliens and Immigration Unit of the Cyprus Police that are placed at Larnaca and Paphos airport.

25. What measures have been taken to ensure that the personnel employed by commercial carriers, including airline attendants and staff working on other means of transportation by land and sea, are able to detect possible victims of THB and inform relevant bodies in due course?

Please note that commercial carriers have to observe carrier liability and before a person boards the airplane s/he must possess necessary documents.

26. What measures have been taken to promote co-operation between border control agencies as regards the establishment and maintenance of direct channels of communication? How have these channels been used for detecting transnational THB? Please provide examples of cases in which these channels were used and any difficulties encountered by border control agencies in this context.

Please note that the Ministry of Justice and Public order has concluded several bilateral agreements regarding organized crime.

### **Identification of the victims (Article 10)**

27. Is there a national referral mechanism (NRM) or an equivalent system for identification and referral to assistance of victims of trafficking, both nationals and foreigners, for any form of exploitation? If so, please specify the bodies involved in it and their responsibilities. If an NRM existed in your country at the time of the first evaluation, please indicate any changes that have been made to it in the meantime.

The manual on the National Referral Mechanism has been approved by the Multidisciplinary Coordinating group and is being revised so as to be aligned with Law 60(I)/2014. When it is completed, it will be submitted to the Council of Ministers for approval. Please note that Law 60(I)/2014 provides a standard referral procedure for victims. Whenever any governmental department, service or NGO contacts potential victims, they refer them to the Social Welfare Services where the victims receive information, especially concerning their rights regarding administrative and judicial proceedings. The potential victims are then referred to the Police which are the competent authority for the identification of victims. The law also provides for the rights of the victims and defines which competent authorities must provide the victims with access to their rights.

More specifically, Law 60(I)/2014, article 44, states that in case a governmental service or NGO judges or has reasonable suspicions that a person might be a victim of trafficking, then this service refers the person in question to the Social Welfare Services. The latter provide the potential victim with information regarding his/her rights, the services that can offer him/her assistance, the procedure that

will be followed for him/her to be recognised as victim etc, in a language that this person can understand. This person is then referred to the relevant Office of the Police.

If the Police recognises this person as a victim of trafficking, then s/he is referred to the Social Welfare Services, and, if necessary, to the state shelter mentioned above. The Social Welfare Services are responsible to assist the victim to access his/her rights (art. 45). The victim is provided with at least one month reflection period, which can be renewed, so as to decide whether s/he wants to cooperate with the prosecuting authorities (art. 46). During this period, no measure of expulsion can be applied (art. 52). Moreover, the victim has full access to the rights described in art. 47 (see question 2).

28. Are there any formalised indicators for the identification of victims of THB for different forms of exploitation and how is their use by different professionals ensured in practice in your country?

As regards the Police, there are currently in place formalized indicators for identifying different forms of human trafficking, and the Office of Combating Trafficking in Human Beings has undertaken the responsibility to both disseminate relevant information and educate officers in all districts on identifying different forms of human trafficking. Moreover, all police officers who are placed in different departments of the Police, such as police stations, immigration services, crime prevention squads, and criminal investigation departments have been provided with a pocket-size identification manual on human trafficking, and they have also been given a comprehensive manual on identifying victims of different forms of THB. Furthermore, the Office of Combating Trafficking in Human Beings delivers biannual training at the Police Academy, as well as sends relevant circulars to the involved departments in order to ensure that police officers apply the prescriptions of the said manual in a uniform fashion.

Lastly, the list of indicators and guidelines for other professionals have been the subject of several training sessions given by the police to professionals dealing with THB.

29. What is considered as "reasonable grounds" to believe that a person is a victim of THB and which bodies have competence to identify victims upon "reasonable grounds"? Please provide examples from practice.

The only body that is authorised to identify victims of trafficking is the Cyprus Police. The 'reasonable grounds' for believing that an individual could be a victim of trafficking are indicators, the existence of which (all or in combination) gives a clear indication that the person is a victim of trafficking. The list is not exhaustive and some of them are the following:

- a. there is restriction of movement,
- b. the working conditions (adverse) and duration (long) of labour are imposed by other(s), and there is no space for negotiation on behalf of the victim,
- c. his/her earnings are withheld (either partially or entirely),
- d. s/he has been molested and/or raped,
- e. her/his return home is conditional or is controlled by other(s),
- f. s/he is being threatened with retaliation in case s/he attempts to escape, and the threats may also be directed against his/her family,
- g. s/he is being intimidated, and this is used alternatively or additionally to violence employed for controlling him/her,
- h. s/he has been employed under false promises and thereafter forced into prostitution,
- i. the person who has been recruited knows that s/he will offer paid sex but is not informed of the bad working conditions; that is, total control of her/his movements and forced prostitution,
- j. s/he is subjected to psychological pressure by the trafficker who exploits the victim's economic hardship.

The above indications form the framework on which identifications of trafficking victims are premised upon, however, as cases of THB vary, manifestations of victimhood also vary. On the one hand, readings on victimhood become quite apparent when a victim is locked in a mansion's basement, is undernourished, and is forced to have unprotected sex. On the other hand, cases which involve women who volitionally enter Cyprus for prostitution purposes but along the way their pimp takes a bigger percentage than the one initially agreed, make such readings more difficult.

30. What measures are taken in your country to encourage self-identification of victims of THB?

Immigration services stationed at the entry points provide foreigners who enter the country with performance or employment visas with leaflets which list the main indications of trafficking for sexual and labour exploitation. This, in a way, educates would-be victims of THB and alerts them to the possible dangers of exploitation.

Moreover, the Ministry of Interior produced leaflets with information on trafficking in human beings and has revised this leaflet to ensure it is aligned with the new legislation. In addition, informative leaflets regarding the rights and obligations of foreign workers have been disseminated through Cyprus Consular Authorities in potential countries of origin of trafficking victims.

31. What measures are taken in your country to identify victims of THB during the examination of asylum applications and during return of persons whose applications are rejected? How is communication ensured between the authorities responsible for identification of victims of trafficking and immigration and asylum authorities when there are reasonable grounds to believe that a person who is irregularly staying in the country is a victim of trafficking?

In view of the best interests of the victims, the cooperation of the Immigration and Asylum Services is always constant and efficient. If any of the above authorities have reasonable grounds to believe that a person may be a victim of THB, the potential victim is referred to the Welfare Services, where he/she is informed about his/her rights and opportunities provided to the victim by the Law. Irregular migrants are not exempted from the above provision.

A victim might be detected (a) during the application for asylum (b) during the screening procedure (c) during the interview with the competent asylum officer. If an asylum officer detects a potential victim of trafficking, the person is referred on to formal identification procedures to the Office for the Prevention and Combating of Human Trafficking of the Cyprus Police. The Asylum Service has established an Initial Screening Process (ISP) of the applications for international protection. However, a victim of trafficking can be identified by the ISP, if there is an indication in the applicant's claims, as stated in the asylum application, that (s)he is a victim of trafficking

### **Protection of private life (Article 11)**

32. What measures are taken by relevant professionals to protect the confidentiality of information and protect the personal life and identity of victims of THB, including as regards storing of their personal data? Are there any conflicts of interest between professional ethics, on the one hand, and the obligation to report an offence, on the other hand? If so, how are these conflicts resolved in practice?

According to Law 60(I)/2014, art. 47(2), the private life and identity of victims is protected by every governmental service or NGO involved, and the processing of their personal data takes place according to the provisions of the Protection of Personal Data Law 138(I)/2001.

For example, the asylum Service files concerning individual cases are all confidential including victims of THB and no details are stored to any electronic database except the basic info.

In addition, the Police do not reveal any information that would jeopardize in any way the security and safety of the trafficking victims. The written statements of the victims do not contain their contact details. Furthermore the hardcopies of all written statements are stored in secure lockers and the digital files in which those statements are saved are stored on a particular desktop that is not connected to the internet and can encrypt sensitive data. In the cases where the victims are not willing to cooperate with the Police or for safety reasons their cooperation is not advised, then the police try to prosecute cases without the victims' involvement. Most importantly, data is protected according to the provisions of the Protection of Personal Data Law 138(I)/2001.

### **Assistance to victims (Article 12)**

33. When assistance to victims is provided by non-state actors, how do your country's authorities ensure compliance with the obligations under Article 12 of the Convention, in particular when it comes to:

- a. funding;
- b. victim's safety and protection;
- c. standards of assistance and their implementation in practice;
- d. access to medical treatment, psychological assistance, counselling and information;
- e. translation and interpretation, where appropriate?

It must be stressed that non-state actors only provide subsidiary support to victims. At the initial stages (which are the most critical) up to the point where the victim is found able to carry on with his/her life independently, the social welfare services with the police and the health services assist the victims providing, among others, monetary assistance, the provision of secure shelter, medical examination, psychological evaluation and support, as well as legal counselling and translation and interpretation services, when appropriate. Yet, after a victim of trafficking leaves the governmental shelter and s/he decides to come in contact with a non-state actor, some NGOs providing assistance to victims cannot by themselves ensure all the provisions of Article 12 of the convention, for example interpreters.

34. What specific measures are taken to ensure that the provision of assistance to victims of THB who have been issued a residence permit for the purpose of their co-operation in the investigation or criminal proceedings is not made conditional on their willingness to act as a witness?

According to Law 60(I)/2014, art. 54, it is stated that before issuing and during the period of duration of the temporary residence permit or recognition certificate for reflection, irrespectively of whether the victim wants to cooperate with the prosecuting authorities, s/he has the rights described in art. 47 of the Law.

More specifically, the OoCTHB is responsible for applying to the Migration Department, on behalf of the victims of trafficking, for a residence permit. The OoCTHB embraces THB from a victim-centred viewpoint and is attuned to the sensitivities of the victims. Such being the case, all victims who express the wish to remain in the country are assisted and the OoCTHB submits such applications on their behalf, notwithstanding their intent to contribute to the juridical proceedings. Cases in point are the victims of trafficking whose exploitation has taken place at the occupied areas of the island, where the authorities of the Republic of Cyprus are prevented from enforcing the law (thus, juridical proceedings do not take place) and nonetheless the victims were allowed to remain in the country.

Please also see question 38.

35. What accommodation is available for victims of THB (women, men and children) and how is it adapted to the victims' needs?

Regarding the female victims, please note the following: female victims of sexual exploitation may normally remain in the state shelter for a period not exceeding four (4) weeks. The victim may prolong her stay if special occasions demand it. The shelter is one of the options available to victims for accommodation.

According to the Public Assistance and Services Law 2006-2012, until 10/07/2014, the Social Welfare Services provided financial support to male victims of trafficking and female victims of labour exploitation, which included accommodation expenses. From 11/7/2014 the Law for the Minimum Guaranteed Income was introduced (L. 109(I)/2014), according to which victims of trafficking are eligible for applying to become beneficiaries of the guaranteed minimum income provision (independent of their age or time of residence in the Republic).

Child victim: Children victims of trafficking in care of the Director of the Social Welfare Services are placed in foster care or institutional care. The Social Welfare Services cooperate and provide support to the child victim as well as the family of the child victim, in cases where the parents/guardians are in a position to provide protection to the child victim, targeting at eliminating the reasons which led to the exploitation of the child.

36. What measures are taken to ensure that services are provided to victims on a consensual and informed basis?

According to article 44, the Social Welfare Services provide the victims with information regarding their rights and the procedure to be followed for them to be identified as victims. The victims' rights are respected, for example if a female, victim of sexual exploitation, decides that she does not want to reside in the government shelter, she is allowed to stay elsewhere.

37. Is there any follow-up provided after the termination of assistance programmes? Can victims continue to receive assistance, where necessary and taking into account their specific needs resulting from the type of exploitation (including the removal of organs), after the termination of criminal proceedings, and if so what type of assistance?

Victims are offered personal psychological help and where necessary psychiatric help. This help may continue to be offered as long as required, independently of the court procedures.

There are no group interventions that have been set up to this day, due to the following:

- The cultural difference
- The presence of translator in the meetings
- The small number of victims living in the shelter
- the repatriation at their own will

An additional difficulty raised is that the persons working with the victim are employed by different ministries. This issue makes coordination and sharing of information difficult. The main actors in the victims support - the clinical psychologist, the social worker, the policeman responsible for the case – belong to different ministries and are not organised in a multidisciplinary team that would offer specialised interventions to the victims. Nevertheless, educational seminars and meetings have been organised for them in the aim of coordination and professional relation building.

At this time, the mental health services are involved in the organisation of interventions towards the personnel of the shelter for victims of trafficking and specifically putting forward the organisation of group supervision.

After the completion of criminal proceedings, the OoCTHB carries out a risk assessment to attest whether it is safe for victims to be repatriated or remain in the country, if their personal circumstances support such decision. To date, there have only been just a few cases where the repatriation was not advised and victims remained in Cyprus. Moreover, as it has already been mentioned the personal circumstances of each victim are taken into consideration. Furthermore, if the victim is enrolled in a program or receives special treatment (i.e. for medical issues), it continues to be treated after the criminal procedure. After the termination of the assistance program, NGOs with the cooperation of the Social Welfare Services, repatriate the victim. It must be noted that according to the new legislation, the victim can remain in the country for a reasonable time after the completion of the criminal proceedings, so as to claim for compensation, as prescribed by the law.

### **Recovery and reflection period (Article 13)**

38. Please specify in which cases a recovery and reflection period can be granted and who is entitled to it (nationals, foreign nationals). Please describe the procedure for granting a recovery and reflection period, the assistance and protection provided during this period, and any difficulties encountered in practice.

According to article 45(5), L 60(I)/2014, each victim is entitled to a reflection period, of at least one month. The reflection period is granted for two reasons, first, for victims to escape the influence of the perpetrators, and second, to decide whether or not to cooperate with the prosecution and prosecute the offenders.

According to article 45(6), L 60(I)/2014, in all cases priority is given to provide support and protection to the victim in accordance with the provisions of the above mentioned Law. The prosecution authorities may approach the victim to determine whether s/he is willing to cooperate with them, in collaboration with the Social Welfare Services and/or the Mental Health Services and/or non-governmental organizations.

According to article 53(1), L 60(I)/2014, the Minister of Interior, issues for free a temporary residence permit to a victim, who is a national of a third country, even if s/he entered or resides illegally in the Republic of Cyprus, in order to grant a reflection period. This permit allows the victim to recover and escape the influence of the perpetrators, so that s/he can make a decision, with full knowledge of his/her rights, as to whether s/he wishes to cooperate with the prosecution authorities.

In the case where a victim is a third country national and already granted a residence permit, the permit remains valid until it expires, without affecting the rights of the victim.

Victims who are granted a reflection period are eligible to a temporary residence permit.

According to article 53(2), L 60(I)/2014, in the case where a victim is a European citizen, the Director of the Civil Registry and Migration Department of the Ministry of Interior, issues without a fee, a temporary registration certificate.

According to article 53(3), L 60(I)/2014, in the case where the victim is a child the temporary residence permit or the temporary registration certificate which is issued for reflection is of at least two months. This permit and/or certificate is renewable (with no fee), and issued if the Minister of Interior approves it. Please note that all cases which involve children are handled with special care.

According to article 53(4), L 60(I)/2014, during the period of reflection, victims have access to the benefits provided by article 47 of the said Law which are mentioned in answer 2.

Regarding the procedure for granting a recovery and reflection period, the Office of Combating of Trafficking in Human Beings of the Cyprus Police primarily interviews potential victims for



identification. When there are reasonable grounds to believe that a person is a victim, the above mentioned Office forwards an application to the Director of the Civil Registry and Migration Department of the Ministry of Interior for the granting of the temporary residence permit or the temporary registration certificate for reflection. When the above mentioned permit or certificate for reflection is granted, the Office of the Combating of Trafficking in Human Beings informs the Social Welfare Services. Then, the victim is accompanied by the relevant social worker or by a representative of an NGO to the Civil Registration and Migration Department to be registered.

According to article 34, L 60(I)/2014, a victim willing to cooperate is entitled to the provisions of the Witness Protection Law of 2001.

A victim who wishes to cooperate with the prosecution authorities is protected from unnecessary interviews during the investigation, prosecution and trial. Also, the Court, after assessing the personal situation of the victim, ensures that the victim receives special treatment in order to prevent further victimization (i.e. unnecessary questions regarding the private life of the victim).

The law enforcement authorities ensure that effective and appropriate protection is provided from potential revenge or intimidation, especially during and after the investigation and prosecution of the perpetrators to the following persons:

- a) any person who according to the victim is involved in committing a criminal offence or cooperates in any other manner with the prosecuting authorities
- b) any witness other than the victim, who gives a statement regarding a criminal offence that has been committed under the anti-trafficking law
- c) where necessary, to a member of the family of the victim and the individuals mentioned above.

In case the victim is a child, the prosecuting authorities ensure that the investigation or prosecution does not depend on the submission of complaint by the victim or a representative and that the criminal procedure can be continued even if the victim withdraws his/her statement (which can also take place regarding adults as well, according to article 21). Also, in such a case the prosecution shall continue after the victim reaches the age of 18.

In practice, there are cases where the issuance of the temporary residence permit or the temporary registration certificate for reflection were delayed, and as a result identified victims faced difficulties regarding the access to their rights, especially in cases where they were in need of medical treatment.

### **Residence permit (Article 14)**

39. If there is a provision in your country's law that provides for the possibility of issuing a residence permit owing to the victim's personal situation, how is this interpreted in practice? Please provide examples.

According to article 56(3), L 60(I)/2014, the Minister of Interior may grant a victim a temporary residence permit or a temporary registration certificate, that is in the interest of the victim due to humanitarian or any other reasons. In such a case, a relevant individualized assessment regarding the personal situation of the victim from any service involved must be submitted to the Minister.

During the years 2009 – 2011 such a permit was granted to three victims. Two of them were from Syria, while the other one was from Nepal. The Cyprus Police, after conducting a case by case risk assessment, recommended the issuance of temporary residency of victims due to their personal situation and supported their application to reside in Cyprus. The Minister of Interior issued residence and working permissions in these cases.

In those instances where victims are deemed to have reasons for applying for a political asylum, they are informed of their right to apply for it.

40. When a residence permit is issued for the purpose of co-operation with the competent authorities, how is “co-operation” interpreted and what does it consist of in practice?

According to article 55(1), L 60(I)/2014, upon the expiration of the temporary residence permit or the temporary registration certificate or earlier, the prosecuting authorities inform the Minister of Interior whether the victim has expressed a clear intention to cooperate.

According to article 55(2), L 60(I)/2014, in the case the Minister of Interior is satisfied and upon being informed by the prosecuting authorities approves a permit if:

- (a) the stay of such a person in the Republic should be extended to facilitate the investigation or the judicial procedure,
- (b) the said person has ceased all dealings with those suspected of committing the offences stated in this Law.

In practice, it is considered that a victim cooperates with the authorities when s/he is willing to have interviewing sessions with the Police or other authorities which aim at the empowerment or support of the victim.

Also “co-operation” includes the possibility of the victim getting involved with criminal proceedings.

41. What measures are taken to ensure that a residence permit is provided to victims of THB in compliance with the obligation under Article 12.6, which states that the assistance to a victim of trafficking should not be made conditional on his or her willingness to act as a witness?

According to article 56(3), L 60(I)/2014, the Minister of Interior may grant a victim (who is a third country national or a European citizen) even if the conditions of the above mentioned Law cease to exist, a temporary residence permit or a temporary registration certificate. This is done if the Minister deems, after the submission of relevant individual assessments regarding the situation of a victim from any involved service that it would be in the best interest and for the protection of the victim to issue a temporary residence permit or a temporary registration certificate for humanitarian or any other reasons.

All potential victims of THB have the right to be granted a temporary residence permit for reflection in order to recover and decide whether to cooperate with the authorities in prosecuting a case of THB. Moreover, identified victims of THB can be also granted residence permits for humanitarian reasons.

### **Compensation and legal redress (Article 15)**

42. Please indicate any measures taken since the first evaluation report to promote effective compensation of victims of THB, in particular when it comes to:

- a. access to information on the relevant judicial and administrative proceedings in a language the victim can understand;
- b. access to free legal assistance and legal aid during investigations and court proceedings;
- c. compensation from the perpetrator;
- d. compensation from the state;
- e. compensation for unpaid wages to victims of trafficking.

Please provide examples of compensation awarded and effectively provided to victims of THB.

a. Please note that the Social Welfare Services must provide information regarding the services that can offer the victim assistance, the support they are entitled to receive, the procedure for them to be identified as victims, the terms and procedure based on which they can receive security and

protection, the degree and terms on which they are given legal advice and/or legal aid, information regarding submitting a request to be granted asylum and information regarding compensation, in a language the victim can understand.

The victim also has a right to be informed of the process of the penal case and the decision of the court (art. 32).

b-e. According to article 35, L 60(I)/2014, irrespective of and without prejudice to any other legal means or remedy established under any other law or regulation, a victim within the meaning of the above mentioned Law shall have a legal right to compensation against all persons responsible for committing the criminal offences under this Law and for violating his/her human rights. The person convicted of such offences also has the corresponding civil liability to pay special and general damages to his victims, including any delayed debts from exploiting a victim's labour.

The abovementioned general damages must be fair and reasonable and when calculating their degree, the Court takes into account the following:

- (a) The extent of the exploitation and the benefit the perpetrator made or could have made from exploiting the victim,
- (b) the future prospects of the victim and to what extent they were affected by his/her exploitation,
- (c) the degree of culpability of the perpetrator,
- (d) the relationship to or the level of authority or influence of the perpetrator to the victim.

The Court, taking into account the degree of atrocity of the exploitation or the degree of relationship or the level of authority of the perpetrator to the victim, may adjudicate punitive damages.

The Court, when calculating special damages takes into account every expense the victim sustains as a result of the exploitation, including repatriation costs, where applicable.

In the event of the death of the victim, the parents or the dependants of the victim have a legal right to compensation.

The legal right to compensation of a child victim cannot be annulled due to many years having elapsed.

According to article 36, L 60(I)/2014, any victim regardless of his/her willingness to cooperate with the prosecution authorities for the criminal investigation, prosecution or trial, has access to legal advice and legal representation to claim compensation under the Advocates' Law, and in the case where the victim does not have sufficient financial resources, he or she has the right to free legal aid under the Legal Aid Law.

It must be noted that according to article 32(1), L 60(I)/2014, the Police, during the first contact with the victim, provide all the necessary information, in a language the victim understands, with respect to the protection of the victim's interests, which include at least the following information:

- a) the type of services or organizations to which the victim may seek support in relation to legal or other advice
- b) the type of support the victim may receive in relation to the criminal procedure
- c) where and how the victim may submit a complaint against the perpetrator
- d) the procedures following the submission of the complaint and the role of the victim within the framework of this procedure
- e) how and under which conditions the victim can enjoy protection
- f) to what degree and under which conditions the victim has access to:
  - (i) legal advice, or
  - (ii) legal assistance, or

- (iii) any other type of advice,
- and, if, in the cases of (i) and (ii) the victim has such a right
- g) what conditions must be satisfied to qualify for compensation
  - h) if the victim resides in another Member State or desires to go to its Member State or to its third country of origin, which mechanisms are available to defend his or her interests.

To date, victims of THB have not been awarded any compensation.

In addition to the above, please note that Law 60(I)/2014, art. 62, provides for the creation of a Fund to support victims of trafficking, in which any fines or the proceeds from confiscations are deposited. The fund can also accept donations, grants etc. It will use its funds to provide victims of trafficking with compensation, if the perpetrators of the crime are unable to provide such compensation, fund programmes of support and legal aid to victims, as well as information and prevention programmes.

Lastly, according to art. 33, the Republic of Cyprus compensates the victims that cooperate with the prosecuting authorities by being witnesses in a penal procedure for any expenses incurred due to their participation in the penal procedure.

43. What specific measures are taken to make available the assets of traffickers to provide compensation (for example, effective financial investigations resulting in seizure of assets of perpetrators with the view to their confiscation)?

According to L 60(I)/2014, article 35, irrespective of and without prejudice to any other legal means or remedy established under any other law or regulation, a victim within the meaning of the above mentioned Law shall have a legal right to compensation against all persons responsible for committing the criminal offences under this Law and for violating of his/her human rights. The accused also has the corresponding civil liability to pay special and general damages to his victims, including any delayed debts from exploiting a victim's labour.

The abovementioned general damages must be fair and reasonable and when calculating their degree, the Court takes into account the following:

- (a) The extent of the exploitation and the benefit the perpetrator made or could have made from exploiting the victim,
- (b) the future prospects of the victim and to what extent they were affected by the exploitation,
- (c) the degree of culpability of the perpetrator,
- (d) the relationship to or the level of authority or influence of the perpetrator to his victim.

The Court, taking into account the degree of atrocity of the exploitation or the degree of relationship or the level of authority of the perpetrator to the victim, may adjudicate punitive damages.

According to article 26(1), L 60(I)/2014, the offences committed contrary to this law (trafficking in adults, trafficking and exploitation in human organs, labour exploitation, sexual exploitation of adults, trafficking in children, sexual exploitation of children) are deemed predicate offences under the Prevention and Suppression of Money Laundering Activities Law 188(I)/2007.

Proceeds confiscated under article 26, L 60(I)/2014, are deposited to the Victim Support Fund, which will be created according to this Law for the purpose of compensating victims of trafficking, among other things.

44. Is there a possibility for victims of THB to claim damages and compensation in the country of destination after their return to the country of origin? Please provide any relevant examples.

According to art 37 of Law 60(I)/2014, if a victim is a citizen of another EU country, the prosecuting authorities will take the necessary measures to reduce the difficulties that arise, especially regarding the penal procedure. Moreover, if a victim who permanently resides in another EU state contacts the authorities of his/her state and makes a formal accusation, the Republic of Cyprus is obliged to investigate the accusations in the same way that it would if the victim was residing in Cyprus. Please also note, that according to information received by the Law Office, if a person who resides abroad issues a lawsuit vs the Republic of Cyprus or a trafficker, this law suit will be examined in court.

#### **Repatriation and return of victims (Article 16)**

45. What steps are taken to ensure that the return of victims of THB from your country to another country is carried out preferably voluntarily and in full observance of the duty to ensure their rights, safety and dignity, including the obligation not to return a person to a country where his or her human rights are at risk of being violated (*non-refoulement* principle)? How is risk assessment carried out when deciding upon return and repatriation of victims of THB? What is the procedure and what are the modalities of co-operation with the authorities of the receiving state?

According to art. 60 of Law 60(I)/2014, if the Minister of Interior, after an individualised assessment is conducted by the prosecuting authorities and the health services, is satisfied that the repatriation of the victim is safe and to the victim's interest, as a permanent solution of social reintegration, decides that the victim will be repatriated, preferably voluntarily, and:

- under conditions of respect, security, protection and dignity for the victim,
- not endangering the success of any legal procedures, including those for the victim to be compensated,
- takes place in cooperation with the victim's country of origin, so as to avoid the victim's revictimisation,
- takes place in the framework of national or international repatriation programmes.

The Minister of Interior can allow a victim to reside in Cyprus for a period of time, for humanitarian and other reasons, if he is satisfied that this is to the victim's interests, after individualised assessments are conducted (art. 56).

The identified victims of trafficking are advised to fill an asylum application if they fear persecution in their country of origin.

Please also note that until the recent change of the relative law, the Mental Health Services were not involved in the repatriation procedures for the victim. After the law was updated, the Mental Health Services became part of the services that perform risk evaluation reports at all stages of victims' support, i.e. from the recognition to their repatriation. The reports will aid in the decision for the protective measures to be taken for each victim. The main responsibility for the enforcement of protection measures belongs to the Law Enforcement Authorities.

The report of the Mental Health Services is prepared by the clinical psychologist, who evaluates the victim's request in relation to the risk of repatriation. Through the clinical assessment, an effort is made to record the issues that will be of help to the law enforcement authorities in their decision of the protective measures. We do not possess specialised assessment tools or tests for the risk assessment. In Cyprus, unfortunately, there exists a difficulty in applying the psychometric test due to the absence of adjustment in the Cypriot population. Due to this difficulty, the Mental Health Services cooperate with the Social Services who, when required, request information from the relevant services of the victims country of origin.

In addition, according to Article 52, L 60(I)/2014, deportation measures shall not be taken against:

- a) any EU national or member of his/her family of any nationality if the conditions of free movement and residence to the Republic according to the relevant law are not met.
- b) any third country national, regardless of whether he/she is a legal or illegal resident of the Republic of Cyprus, under the act of the Immigration Law.

from the moment any involved Service is informed in any way about the possibility of a person being a victim of THB and until the identification process is completed or the expiry of the reflection period, or cancellation or non-renewal or revocation of a residence permit or registration certificate as appropriate.

Mostly NGOs undertake to carry out safe repatriation and to safeguard the human rights of the victims. Repatriations are carried out in collaboration with the Social Welfare Services and the Office of Combating Trafficking in Human Beings which conducts a risk assessment. In this context there is an effective collaboration with Interpol and Europol. Moreover, before the repatriation takes place, the receiving country is always informed in order to take all necessary measures for the protection of the victim.

46. Has any victim of trafficking who is a citizen or permanent resident of your country been returned against their will? If yes, what steps, if any, were taken to assist them after their return?

So far, no Cypriots have been identified as victims of THB abroad.

### **Corporate liability (Article 22)**

47. Have there been any developments in your country's law regarding corporate liability for THB offences? Does corporate liability apply to legal persons involved in THB for the purpose of forced labour or services, including by their sub-contractors throughout the supply chain? Please provide examples of any relevant cases and the sanctions imposed.

According to article 23, L 60(I)/2014, a legal person is liable to the offences stated in this Law, when these are committed for its benefit, by any person acting either individually or as part of a body of the legal person, who has a leading position within the legal person, based on:

- (a) a power of representation of the legal person, or
- (b) an authority to take decisions on behalf of the legal person, or
- (c) an authority to exercise control within the legal person.

Without prejudice to the above provisions, a legal person may be held liable to the offences stated in this Law in the event where the lack of supervision or lack of control by a person referred to in the above subsection has made possible the commission of the said offences for the benefit of that legal person by a person acting under its authority.

The liability of a legal person under the above subsections does not exclude the criminal prosecution of natural persons acting as perpetrators, instigators or accomplices in the offences stated in this Law.

Furthermore, according to article 24(1) of the Law 60(I)/2014 a legal person convicted for the commission of any offence established in this Law, is liable to a monetary fine not exceeding six hundred thousand euro, and the Court may, in addition to any other sentence, order –

- (a) The temporary or permanent exclusion from entitlement to public benefit or aid,
- (b) the temporary or permanent disqualification from the practice of commercial activities,
- (c) the placement under judicial supervision,
- (d) the dissolution of the legal person,

- (e) the temporary or permanent closure of establishments used for committing the offence,
- (f) the confiscation of any object or means used in committing any offence established in this Law.

Up to now no relevant cases and no sanctions have been imposed.

Please also see question 22.

### **Aggravating circumstances (Article 24)**

48. Have there been any prosecutions and convictions for THB with the aggravating circumstance of involvement of public officials in the exercise of their functions? Please provide any relevant examples.

There has been one case but the defendant was acquitted by the court.

### **Non-punishment provision (Article 26)**

49. Is the non-punishment provision incorporated in law and/or prosecution guidelines? If so, please provide the relevant texts. Please give details, including references to case law where relevant, of cases where the non-punishment principle has been applied and the outcome of such cases.

According to article 29 of the Law 60(I)/2014 victims are not prosecuted and are not subject to sanctions for their involvement in criminal activities, if the fact that they committed the criminal act was a direct consequence of the fact that they were victims of the offences of the above mentioned Law.

Subject to the above mentioned provision, third country nationals who are victims within the meaning of this Law, are not criminally prosecuted in case of committing offences that are directly connected with their status as victims including unlawful entry, unlawful residence, unlawful employment or employment contrary to their terms of employment, as defined in the Aliens and Immigration Law.

Furthermore, if a Court, before which a case against a victim appears, discovers at any stage of the proceedings that the above mentioned conditions exist, if the prosecution against the victim does not come to an end, and even if the victim is found guilty, no fine or punishment is to be imposed.

To date, such cases have been withdrawn by the General Attorney of the Republic of Cyprus before even being submitted to court. Such examples are:

- A female victim was charged for a common assault, public insult and disturbance against a perpetrator of crimes described in the law against trafficking in human beings. The case was dismissed by the General Attorney.
- A female victim was charged for not wearing a seat belt while she was with a client. The case was dismissed by the General Attorney.
- During the year 2007 the Cyprus Police identified 2 victims who were illegally residing and working in the Republic of Cyprus. Also during the same year the Cyprus Police identified another 2 victims who illegally entered the Republic of Cyprus through the occupied areas. The victims were not charged for committing the above mentioned offences.
- During the year 2010 the Cyprus Police identified 2 victims who illegally entered the Republic of Cyprus through the occupied areas. The victims were not charged for committing the above mentioned offences.
- During the year 2011 the Cyprus Police identified 5 victims who were residing illegally in the Republic of Cyprus. Also during the same year the Cyprus Police identified 1 victim who was illegally working and residing in the Republic of Cyprus. The victims were not charged for committing the above mentioned offences.

- During the year 2012 the Cyprus Police identified 14 victims who were illegally working and residing in the Republic of Cyprus. Also during the same year the Cyprus Police identified 1 victim who illegally entered the Republic of Cyprus through the occupied areas. The victims were not charged for committing the above mentioned offences.
- During the year 2013 the Cyprus Police identified 4 victims who were illegally working and residing in the Republic of Cyprus. Also during the same year the Cyprus Police identified 2 victims who illegally entered the Republic of Cyprus through the occupied areas, and 1 victim who was illegally residing in the Republic of Cyprus. The victims were not charged for committing the above mentioned offences.
- During the year 2014, up to date, the Cyprus Police identified 6 victims who were illegally residing and working in the Republic of Cyprus. The victims were not charged for committing the above mentioned offences.

**Ex parte and ex officio applications** (Article 27 in conjunction with Article 1.1.b)

50. Does your country's law provide for the possibility of investigating a THB case in your country if the offence was committed on your territory, but the complaint was submitted in the country of residence of a foreign victim of THB? Please provide any relevant examples.

According to article 37(2), L 60(I)/2014, a victim's complaint regarding offences included in the said law, who is a resident of another member state and his/her complaint is submitted to his/her country of residence, is investigated by the Cyprus authorities in the same way that it would have been investigated had the victim been in the Republic of Cyprus.

51. Please describe the measures taken in your country to ensure compliance with the obligation of effective investigation into THB cases, in particular as regards:

- a. setting up specialised investigation units and the number of staff involved;
- b. exchange of information with, and obtaining evidence from, other parties;
- c. use of special investigative techniques (such as informants, cover agents, wire-tapping, controlled deliveries), with an indication of how their use is regulated and whether they can also be applied in cases not related to organised crime;
- d. investigation of THB offences committed through the Internet, including the possibility of blocking websites which are used to facilitate the recruitment of trafficking victims or the dissemination of child pornography;
- e. financial investigations to disrupt criminal money flows and ensure asset recovery;
- f. use of joint investigation teams (JITs).

a. There are no specialized investigation units within the Cyprus Police for the investigation of THB cases. Investigation of such cases is carried out by the Criminal Investigation Departments (CIDs) or Police Stations which have a jurisdiction in the locations where the crime takes place. The Office of Combating Trafficking in Human Beings is the coordinating body of all the police departments regarding the investigation of THB cases.

b. The exchange of information is framed by International Conventions, Bilateral and Multilateral agreements and the European acquis. Another important channel of communication is the liaison officers. The exchange of information in Cyprus Police is carried out through the Directorate of European Matters and Police Cooperation, where the National Units of Interpol and Europol belong. Exchange of information is carried out on a constant basis mostly through the channels of Interpol and Europol. Moreover, Cyprus Police participates in several projects such as EMPACT which enables the Police to build on existing networks of cooperation. As a European member state, Cyprus also uses the channel of Eurojust.



Moreover, the exchange of information regarding the criminal records of the offenders between EU MS, is achieved through the ECRIS System (Criminal Records Information).

c. The use of special investigative techniques is regulated by Law 11(III)/2003, which ratifies the UN convention against the Transnational Organized Crime. However the confidentiality of any personal conversation is protected by the Constitution of Cyprus and wiretapping is not applied. Special investigative techniques, such as undercover agents, are applied to possible cases of THB. Please also note that we have been informed by the Law Office of the Republic that phone tapping is allowed regarding the investigation of serious offences, such as trafficking in human beings.

d. Article 11 of the law Law 91(I)/2014 on preventing and combating sexual abuse and sexual exploitation of children and child pornography provides for the repeal and discontinuation of user's access to sites hosting websites containing child pornography or disseminating child pornography. It also provides for the blockage of access to Web Pages containing or disseminating child pornography on internet users residing in the Republic of Cyprus.

e. Financial investigation in trafficking cases is conducted in almost all the recent cases. Financial investigation is mentioned as one of the actions which should be carried out by the investigators in the operational guide which was disseminated to all Districts, attached on a circular issued by the Chief of Police as regards the role of the Office of Combating Trafficking in Human Beings. The importance of financial investigation is also stressed by the EMPACT for THB and Cyprus is a co-leader with the Netherlands as regards the implementation of the actions for that issue. Apart from the financial investigation carried out by the Police as a usual process during investigation, the financial investigation unit of the Republic, which is a body under the General Attorney, notifies the Police for every suspicious transaction carried out by any person for further investigation.

f. So far no Joint Investigation Teams (JITs) have been set up for the investigation of trafficking cases. However, Law Enforcement Authorities are fully aware of the significance of JITs for the investigation of organized crimes and an effort to set up a JIT is being made, according to a relevant strategic goal of the EMPACT Operational Action Plan for the Trafficking in Human Beings in which Cyprus Police is a member.

Cyprus has ratified the Council Framework Decision 2002/465/JHA) on Joint Investigation Teams. Although, so far, no JIT taken place, in two cases operational meetings were held in order to decide whether a JIT or other form of cooperation should be established with Romania and Bulgaria, respectively. The first case was a trafficking case for the purpose of labour exploitation in which 90 persons in total were identified as victims of trafficking. With the support and coordination of Europol, an operational meeting took place in Bucharest in December 2009 between the investigators and representatives of the Romanian law enforcement agencies, in order for the enquiries to be expanded also in Romania. Concerning the second case, an operational meeting was held in Cyprus between Bulgarian and Cypriot investigators, with the support of Europol and Eurojust. The case is still under investigation.

52. Have you had any cases or suspected cases of THB for the purpose of the removal of organs? How did investigations take place in such cases and what special investigation techniques were used?

In 2008, the Cyprus Police initiated the investigation of a case concerning Organ Trafficking. During the investigation of that case, 3 people were charged with human organ trafficking. A third country national was paid a large amount of money in order to become a kidney donor. No special investigation techniques were used in this case.

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### **Protection of victims, witnesses and collaborators with the judicial authorities (Article 28)**

53. What measures are taken to protect victims, witnesses and NGOs assisting victims during criminal proceedings from potential retaliation or intimidation during the investigation and during and after the criminal proceedings? In how many cases have special protection measures been used in respect of victims and witnesses of THB? Please specify any difficulties in providing victim/witness protection and creating a safe environment for their participation in investigations and court proceedings.

Victims of THB who decide to co-operate with the prosecution authorities and are witnesses in criminal proceedings are subject to protection under L 95(I)/2001 on Protection of Witnesses. To date, no victim has been subject to protection under the above mentioned law. Article 5, L 95(I)/2001, provides for special protection measures for witnesses during court proceedings. Such measures can be: holding the trial behind closed doors, use of special screens, CCTV, etc. Article 16 provides for the establishment of a program for the protection of witnesses and collaborators of justice, under the control and supervision of the Attorney General, who decides on specific protection measures to be applied.

According to article 17, L 95(I)/2001, the General Attorney of the Republic of Cyprus ensures that appropriate measures are taken for the protection of the victim or for the victim's family when appropriate or for individuals connected to family members. This protection continues after the end of the criminal proceedings.

In addition, according to the article 34 (5), L 60(I)/2014, the law enforcement authorities ensure that effective and appropriate protection is provided from potential revenge or intimidation, especially during and after the investigation and prosecution of the perpetrators to the following persons:

- a. any person who according to the victim is involved in committing a criminal offence or cooperates in any other manner with the prosecuting authorities
- b. any witness other than the victim, who gives a statement regarding a criminal offence under the anti-trafficking law
- c. where necessary, to a member of the family of the victim and the individuals mentioned above.

Prosecuting authorities also take all necessary measures to provide adequate protection from potential retaliation or intimidation especially during and after investigation and prosecution of offenders for offences stated in the said law, to members of organizations, institutions, associations or NGOs who act in the interests or assist victims.

In this context, female victims of sexual exploitation are offered accommodation at the Governmental Shelter for victims of trafficking in human beings; they are given a new telephone number so not to be easily detected by the suspects, and the police patrol their residence. They are always accompanied to the court by members of the Police. Moreover a partition can be used during the testimony of a victim/witness in a court hearing of a trafficking case or the victim can testify using videoconferencing. Recently, during the trial of a trafficking case before the Limassol District Court, the prosecutor submitted an application to the court, for the victims to testify behind a partition and relevant testimony was presented. The court accepted the request of the prosecutor.

An application to the court can be submitted by the prosecuting authorities for an order of detention of the accused until the end of the trial as another special measure in respect to victim's protection. Such application has been submitted to the court in the past.

So far no victim of THB has been enrolled in the Witness Protection Program and the main reason is that victims do not want to be under surveillance or locked again. The Witness Protection Program in its current form does not support the needs of the victim and it is not flexible.

54. What other measures are taken to promote the participation of victims and witnesses in criminal proceedings and to give testimonies which accurately reflect their experiences and assist courts in establishing the truth? Can a victim of THB be assisted by a social worker, psychologist and/or NGO representative during the investigation and court hearings?

The first step is always taken to ensure the physical protection of a potential victim. Then, a potential victim is referred to the Social Welfare Services and, if she is a female, victim of sexual exploitation, she is placed in the governmental shelter unless she doesn't want to or there are other reasons that make this not possible (i.e. she has a place to live or she has family or has been offered accommodation by NGO representatives). The second step is to empower a victim so as to regain her/his confidence. This is achieved through a series of interviews conducted by the specialized members of the Office of Combating Trafficking in Human Beings. During those interviews, the victim builds a personal relationship with the Office of Combating Trafficking in Human Beings and therefore feels more safe and protected. This process enhances the cooperation with the Police and also enables the victim to take an informed decision whether to cooperate or not. Simultaneously, interview sessions are also arranged with a clinical psychologist of the Health Services of the State. If the victim decides to cooperate, a written statement is taken at the OoCTHB. The Office's environment is friendly to the victims and the members of the office are not uniformed; facts which make victims less inhibited to speak of their ordeals.

The specialized team of the OoCTHB conducts a series of interviews with potential and identified victims of THB. The members of the OoCTHB regularly interview potential victims in order to establish an accurate assessment for each victim, always in consideration of the impact of trauma upon trafficked people, such as lack of cooperation and impaired ability to recall events in detail.

However, due to the fact that the domestic legal system requires a victim's testimony for the conviction of an accused, victims are always encouraged and psychologically supported to participate in the investigation and contribute to judicial proceedings.

Moreover, victims of trafficking have the right to protection from being incriminated. Victims are not criminally prosecuted in the event of committing offences that are directly related to their status as victims, if violence, coercion, and abuse of authority have been used. Moreover, third country nationals who are identified as victims are not criminally prosecuted for committing offences due to their victimization including unlawful entry, unlawful residence, illegal employment or employment contrary to the terms of an employment contract.

Furthermore, victims of THB, who are identified as such, have the right to enter the Witness Protection Scheme if the circumstances of the case justify such procedure as mentioned in question no. 53.

### **Jurisdiction (Article 31)**

55. Please outline the measures taken by your country to establish and exercise jurisdiction over the offences set out in the Convention, in particular with regard to offences committed outside the jurisdiction of the state (including in cases where your national is a victim of THB committed abroad).

According to information received by the Law office of the Republic of Cyprus, article 5 of the penal code allows for such actions to take place.

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**International co-operation (Article 32)**

56. Please provide examples of international co-operation initiatives with other states in preventing and combating THB, as well as an assessment of the impact of such initiatives, including any difficulties you have experienced in this area. Please also indicate any bilateral or multilateral agreements concluded by your country concerning mutual legal assistance and how such assistance is provided in the absence of an agreement.

Cyprus has ratified the European Convention on Mutual Assistance in Criminal Matters and its Protocol by enacting Law 2(III)/2000. This mechanism enables the States to request and obtain evidence for criminal investigations and prosecutions. Mutual legal assistance requests are made directly to the designated "Central Authorities" of each state. Also the tools of Europol and Interpol are broadly used.

In 2013, an operational meeting was held in Cyprus concerning a trafficking ring of Bulgarian nationals operating in Cyprus between Cypriots and Bulgarian investigators, with the support of Europol and Eurojust. One of the issues examined during the meeting was the setting up of a JIT. This JIT is yet to materialise.

Such initiatives are certainly useful for the combating of trafficking in human beings, especially if seen in the aspect of transnational crime. Notably, given that organized criminal groups act rapidly, all the procedures for transnational cooperation, either for the setting up of JITs or for exchanging intelligence must be done in a timely manner. This is one of the main obstacles faced by the Cypriot Authorities. Also the collecting and securing of evidence in other countries is too difficult to achieve.

For the reporting period, no such requests were sent to other countries by the Cyprus Police on the issue of THB. However, on the 24/01/2013 Cypriot investigators cooperated with Dutch investigators and judges who visited Cyprus to carry out investigations on an ongoing THB case in the Netherlands. Moreover, the Cyprus Police responded to 77 requests received from other EU member states via Europol and from third countries via Interpol, in relation to trafficking cases. Additionally, the Cyprus police has requested the aid of other countries in trafficking related investigations in 12 occasions, via the channels of Interpol and Europol.

Cyprus has signed a number of Bilateral agreements and is a party to a number of Multilateral agreements on cooperation in civil and criminal matters. THB issues can be dealt with on the basis of a request for assistance.

Cooperation with a Third State, in the absence of an agreement, can be achieved, according to our national law, on the basis of reciprocity.

**Measures related to endangered or missing persons (Article 33)**

57. What measures are envisaged in your country to transmit information to another party concerning a victim, witness or collaborator with the judicial authorities in a THB case, who your authorities believe is in immediate danger on the territory of another party? What protection measures are envisaged for such persons, should another party to the Convention inform you about their presence on your territory? Please provide examples from practice.

As mentioned in the answer to question 56, the collaboration of the Cyprus Police with the Authorities of foreign countries is achieved through Europol and Interpol. Whenever the Police have any information related to the safety of a victim, witness or collaborator with the judicial authorities in THB cases, the Police immediately submit such information to Europol or Interpol in order for the relevant party to be aware of this.

Recently, Cypriot Authorities received information by Interpol in Manchester that a Latvian national had been identified as a potential victim of THB upon her arrival to the UK from CY. According to the information, the potential victim did not consent to the support offered in the UK and she expressed the wish to return to Cyprus as she indicated Cyprus as the safer place for her to go. As soon as she arrived to Cyprus, members of the OoCTHB received her and escorted her to the governmental shelter. Soon after, members of the OoCTHB interviewed her, and as a result, identified as victim of THB.

58. Has an early warning system for missing children been introduced in your country and is the harmonised European telephone number for missing children available? What other measures are there for early signalling to other countries about endangered and/or missing children? Has your country concluded any agreements or taken any other measures to reinforce co-operation with other countries in the search for missing people, in particular children, where your authorities have reasonable grounds to believe that missing children may be victims of trafficking or are at risk of becoming victims of trafficking?

The European Hotline for Missing Children 116 000 in Cyprus is operated by the NGO consortium of "Hope For Children" UNCRC Policy Centre (HFC) and the Association for the Prevention and Handling of Violence in the Family (SPAVO).

The service is funded by the European Commission, Daphne Programme. The website is [www.116000.org](http://www.116000.org). The number is addressed to the parents, children and the public in general. The phone call is free and the line operates 24 hours a day. The people answering the calls are trained professionals (social workers, psychologists etc) who support and assist families, victims and the authorities. Assistance can be offered in Greek and English.

When a child is missing, the Police are contacted and proceed with the appropriate actions, including cooperation with Interpol and Europol. The Ministry of Justice and Public order is also involved if a child has been kidnapped by one of its parents.

### **Co-operation with civil society (Article 35)**

59. What steps are taken by your country to encourage state authorities and public officials to cooperate with NGOs and other civil society organisations, including trade unions, so as to involve them in the elaboration and implementation of anti-trafficking policies, programmes and other initiatives to prevent THB? Please provide information on any memoranda of understanding or other agreements concluded between public bodies and NGOs in this field.

State authorities and NGOs cooperate closely regarding trafficking in human beings. Even though there are no cooperation protocols as yet, still, four NGOs participate by law in the Multidisciplinary Coordinating Group. The relevant state services cooperate closely with these and other NGOs regarding providing support to victims of trafficking.

### **Relationship with other international instruments (Article 40)**

60. Please indicate any agreements concluded by your country in accordance with Article 40.2 of the Convention.

Apart from established agreements and channels, no specific agreement for trafficking in human beings has been concluded.

61. Please provide details of cases where victims or possible victims of THB have been granted refugee status or subsidiary/complementary protection.

The number of victims granted international protection in Cyprus is very small (4 people in the years 2011-2013) and therefore we cannot provide any details in order not to expose the victims of THB since they could easily be identified.

## **D. Final questions**

62. Which bodies and organisations contributed to responding to this questionnaire?

This questionnaire was sent to all services and NGOs participating in the Multidisciplinary Coordinating Group. It was prepared based on the replies of governmental agencies, as the NGOs, despite repeated requests that they submit their answers, did not reply.

63. Who was responsible for co-ordinating and collecting the replies to this questionnaire?

The Ministry of Interior was responsible for coordinating and collecting the replies to this questionnaire.

## E. Statistics on THB (per year, starting with 2010)

Number of victims identified in the sense of having been recognised by a state institution or mandated NGO as deserving any of the rights or entitlements to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).

### 2010 VICTIMS OF THB SOURCE COUNTRIES

COUNTRY OF ORIGIN	GENDER				NUMBER OF VICTIMS
	MALE		FEMALE		
	MINOR	ADULT	MINOR	ADULT	
VIETNAM	-	-	-	12	12
BULGARIA	-	-	-	11	11
ROMANIA	-	-	-	8	8
PHILIPPINES	-	-	-	5	5
EGYPT	-	5	-	-	5
UKRAINE	-	-	-	2	2
CAMEROON	-	-	2	-	2
BELARUS	-	-	-	2	2
ESTONIA	-	-	-	2	2
MOLDOVA	-	-	-	1	1
CHINA	-	-	-	1	1
NEPAL	-	-	-	1	1
<b>TOTAL</b>	-	<b>5</b>	<b>2</b>	<b>45</b>	<b>52</b>

### TYPE OF EXPLOITATION OF VICTIMS OF THB

TYPE	GENDER				NUMBER OF VICTIMS
	MALE		FEMALE		
	MINOR	ADULT	MINOR	ADULT	
SEXUAL EXPLOITATION	-	-	2	19	21
LABOUR EXPLOITATION	-	5	-	12	17
FORCED MARRIAGE	-	-	-	10	10
SEXUAL EXPLOITATION AND FORCED MARRIAGE	-	-	-	3	3
SEXUAL EXPLOITATION AND LABOUR EXPLOITATION	-	-	-	1	1
<b>TOTAL</b>	-	<b>5</b>	<b>2</b>	<b>45</b>	<b>52</b>

All the victims of THB who were identified during the year 2010 were trafficked transnationally.

**2011**  
**VICTIMS OF THB SOURCE COUNTRIES**

COUNTRY OF ORIGIN	GENDER				NUMBER OF VICTIMS
	MALE		FEMALE		
	MINOR	ADULT	MINOR	ADULT	
ROMANIA	-	-	-	8	8
CHINA	-	-	-	7	7
VIETNAM	-	1	-	6	7
INDIA	-	3	-	3	6
ESTONIA	-	-	-	2	2
BELARUS	-	-	-	2	2
CAMEROON	-	-	1	1	2
RUSSIA	-	-	-	2	2
PHILLIPINES	-	-	-	1	1
UKRAINE	-	-	-	1	1
BULGARIA	-	-	-	1	1
PAKISTAN	-	1	-	-	1
<b>TOTAL</b>	-	<b>5</b>	<b>1</b>	<b>34</b>	<b>40</b>

**TYPE OF EXPLOITATION OF VICTIMS OF THB**

TYPE	GENDER				NUMBER OF VICTIMS
	MALE		FEMALE		
	MINOR	ADULT	MINOR	ADULT	
SEXUAL EXPLOITATION	-	-	1	26	27
LABOUR EXPLOITATION	-	5	-	5	10
FORCED MARRIAGE	-	-	-	2	2
SEXUAL EXPLOITATION AND LABOUR EXPLOITATION	-	-	-	1	1
<b>TOTAL</b>	-	<b>5</b>	<b>1</b>	<b>34</b>	<b>40</b>

All the victims of THB who were identified during the year 2011 were trafficked transnationally.



**2012**  
**VICTIMS SOURCE COUNTRIES OF VICTIMS OF THB**

COUNTRY OF ORIGIN	GENDER				NUMBER OF VICTIMS
	MALE		FEMALE		
	MINOR	ADULT	MINOR	ADULT	
INDIA	-	10	-	5	15
ROMANIA	-	-	-	8	8
BULGARIA	-	-	-	3	3
VIETNAM	-	-	-	2	2
NIGERIA	-	-	-	1	1
PHILIPPINES	-	-	-	1	1
BANGLADESH	-	1	-	-	1
LATVIA	-	-	-	1	1
DOMINICAN REPUBLIC	-	-	-	1	1
GREECE	-	-	-	1	1
TURKEY	-	-	-	1	1
CYPRUS	-	-	-	1	1
UKRAINE	-	-	-	1	1
<b>TOTAL</b>	-	<b>11</b>	-	<b>26</b>	<b>37</b>

**TYPE OF EXPLOITATION OF VICTIMS OF THB**

TYPE	GENDER				NUMBER OF VICTIMS
	MALE		FEMALE		
	MINOR	ADULT	MINOR	ADULT	
SEXUAL EXPLOITATION	-	-	-	16	16
LABOUR EXPLOITATION	-	11	-	8	19
FORCED MARRIAGE	-	-	-	2	2
<b>TOTAL</b>	-	<b>11</b>	-	<b>26</b>	<b>37</b>

One (1) identified victim of THB who was identified during the year 2012 was trafficked internally. She was a female adult victim from Cyprus. The rest of the victims who were identified during the year 2012 were trafficked transnationally.

**2013**  
**VICTIMS SOURCE COUNTRIES OF VICTIMS OF THB**

COUNTRY OF ORIGIN	GENDER				NUMBER OF VICTIMS
	MALE		FEMALE		
	MINOR	ADULT	MINOR	ADULT	
INDIA	-	7	-	2	9
ROMANIA	-	-	-	7	7
BULGARIA	-	-	-	5	5
VIETNAM	-	-	-	2	2
UZBEKISTAN	-	-	-	1	1
NIGERIA	-	-	-	1	1
SRI LANKA	-	1	-	-	1
CAMEROON	-	-	-	1	1
RUSSIA	-	-	-	1	1
GEORGIA	-	-	-	1	1
HUNGARY	-	-	-	1	1
<b>TOTAL</b>	-	<b>8</b>	-	<b>22</b>	<b>30</b>

**TYPE OF EXPLOITATION OF VICTIMS OF THB**

TYPE	GENDER				NUMBER OF VICTIMS
	MALE		FEMALE		
	MINOR	ADULT	MINOR	ADULT	
SEXUAL EXPLOITATION	-	-	-	16	16
LABOUR EXPLOITATION	-	8	-	2	10
FORCED MARRIAGE	-	-	-	4	4
<b>TOTAL</b>	-	<b>8</b>	-	<b>22</b>	<b>30</b>

All the victims of THB who were identified during the year 2013 were trafficked transnationally.

**2014 (01/01/2014 – 31/08/2014)****VICTIMS SOURCE COUNTRIES OF VICTIMS OF THB**

COUNTRY OF ORIGIN	GENDER				NUMBER OF VICTIMS
	MALE		FEMALE		
	MINOR	ADULT	MINOR	ADULT	
INDIA	-	9	-	2	11
ROMANIA	-	-	-	7	7
BULGARIA	-	1	1	5	7
MOLDOVA	-	-	-	3	3
MOROCCO	-	-	-	2	2
LATVIA	-	-	-	1	1
CYPRUS	-	-	1	-	1
UKRAINE	-	-	-	1	1
KENYA	-	-	-	1	1
SRI-LANKA	-	-	-	1	1
<b>TOTAL</b>	-	<b>10</b>	<b>2</b>	<b>23</b>	<b>35</b>

**TYPE OF EXPLOITATION OF VICTIMS OF THB**

TYPE	GENDER				NUMBER OF VICTIMS
	MALE		FEMALE		
	MINOR	ADULT	MINOR	ADULT	
SEXUAL EXPLOITATION	-	-	2	12	14
LABOUR EXPLOITATION	-	10	-	4	14
FORCED MARRIAGE	-	-	-	5	5
SEXUAL EXPLOITATION AND LABOUR EXPLOITATION	-	-	-	2	2
<b>TOTAL</b>	-	<b>10</b>	<b>2</b>	<b>23</b>	<b>35</b>

Three (3) identified victims of THB of 2014 were trafficked internally. One was a female Cypriot minor, and the other two were female nationals from Bulgaria (one was a minor and one was an adult). The rest of the victims who were identified during the year 2014 were trafficked transnationally.

The responsible body for the identification according to the article 29 of the Combating of Trafficking and Exploitation of Persons and Protection of Victims Law, Law 87(I)/2007 (the previous anti-trafficking law), and the article 45 of the Preventing and Combating of Trafficking and Exploitation of Human Beings and Protection of Victims Law, Law 60(I)/2014, is the Cyprus Police.

**Number of presumed victims whom the competent authorities had “reasonable grounds” to believe were victims of THB (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them). Please clarify whether this number includes victims who were formally identified or is an additional number.**

For the years 2010 and 2011 the Office of Combating Trafficking in Human Beings did not maintain such data.

During the year 2012 the Cyprus Police interviewed 103 individuals as potential victims of THB.

During the year 2013 the Cyprus Police interviewed 129 individuals as potential victims of THB.

During the year 2014 (01/01/2014 – 31/08/2014) the Cyprus Police interviewed 86 individuals as potential victims of THB.

Breakdown of the above mentioned potential victims is not available.

It must be noted that the above mentioned numbers include the victims that were identified by the Police.

**Number of victims granted a recovery and reflection period (if possible, disaggregated by sex, age, nationality, form of exploitation).**

The table below presents the number of victims granted a recovery and reflection period.

YEAR	SEX	AGE	NATIONALITY	FORM OF EXPLOITATION	SUBTOTAL	TOTAL
2010	-	-	-	-	-	0
2011	Female	Adult	Romanian	Sexual exploitation	2	4
	Female	Adult	Belarusian	Sexual exploitation	1	
	Female	Adult	Russian	Sexual exploitation	1	
2012	Female	Adult	Bulgarian	Sexual exploitation	1	1
2013	Female	Adult	Romanian	Sexual exploitation	3	6
	Female	Adult	Romanian	Forced marriage	1	
	Female	Adult	Bulgarian	Sexual exploitation	1	
	Female	Adult	Nigerian	Sexual exploitation	1	
2014 (01/01/2014 – 31/08/2014)	Female	Adult	Moldavian	Sexual exploitation and labour exploitation	2	7
	Female	Adult	Romanian	Sexual exploitation	2	
	Female	Adult	Moldavian	Sexual exploitation	1	
	Female	Adult	Moroccan	Sexual exploitation	1	
	Female	Adult	Bulgarian	Sexual exploitation	1	

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**Number of victims who received assistance (if possible, disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).**

The victims receive financial assistance from the Social Welfare Services. Unfortunately, the data have not been disaggregated by gender.

2011 64 victims  
2012 74 victims  
2013 55 victims

All victims were adults.

Please also see the tables on the last page of the questionnaire regarding victims that received psychological support.

**Number of victims who were granted a residence permit, with an indication of the type of the permit and its duration (if possible, disaggregated by sex, age, nationality, form of exploitation).**

The Civil Registry and Migration Department has issued the following permits, which, unfortunately, for the period in question, can not be distinguished between reflection periods and temporary residence permits:

2011: 96 residence permits

2012: 86 residence permits

2013: 102 residence permits

2014 (so far): 38 new cases and 47 renewals of residence permits

**Number of victims given refugee status and subsidiary/complementary protection.**

During 2011-2013 four (4) identified victims were given refugee status. All of them were women and one was a minor.

**Number of victims who claimed compensation and who received compensation (if possible, disaggregated by sex, age, nationality, form of exploitation), with an indication of whether the compensation was provided by the perpetrator or the state, and the amount awarded.**

According to information received by the Law Office, the Republic of Cyprus is not a party to the action of the victim against the trafficker, so unfortunately we are not in a position to give you numbers of any possible action pending before the court.

**Number of victims repatriated to your country (if possible, disaggregated by sex, age, country of destination, form of exploitation).**

Cypriot citizens have not so far been repatriated to Cyprus as victims of trafficking. We are not aware of instances where Cypriot citizens were identified as victims of trafficking abroad.

**Number of victims repatriated from your country to another country (if possible, disaggregated by sex, age, nationality, form of exploitation).**

Unfortunately, the Social Welfare Services have not kept such data.

**Number of investigations into THB cases.**

During the period 2010 – 31/08/2014, the Cyprus Police investigated in total 144 THB cases. It must be noted that this number does not include ongoing investigations before the year 2010. The table below presents the number of investigations per year.

YEAR	NUMBER OF INVESTIGATIONS
2010	35
2011	26
2012	44
2013	22
2014 (01/01/2014 – 31/08/2014)	17
<b>TOTAL</b>	<b>144</b>

**Number of prosecutions of THB cases.**

During the period 2010 – 31/08/2014, 94 THB cases were prosecuted before Court. This number does not include cases that were investigated in previous years and filed before Court during the above mentioned period. It must be noted that 26 THB cases that were investigated during the above mentioned period are still under investigation or are yet to be submitted before Court for trial. The table below presents the number of prosecutions per year.

YEAR	NUMBER OF PROSECUTIONS
2010	29
2011	18
2012	29
2013	13
2014 (01/01/2014 – 31/08/2014)	5
<b>TOTAL</b>	<b>94</b>

**Number of convictions for THB resulting in penalties involving deprivation of liberty, with an indication of the duration of the penalty and whether effectively enforced or suspended.**

During the period 2010 – 31/08/2014, 37 THB cases resulted in the conviction of 68 perpetrators. The number of convictions refers to the cases that were investigated in the respective year. It must be noted that from the 93 cases that were prosecuted, 23 cases are still pending trial.

The table below presents the number of convictions per year.

YEAR	NUMBER OF CONVICTIONS
2010	7
2011	8
2012	16
2013	3
2014 (01/01/2014 – 31/08/2014)	3
<b>TOTAL</b>	<b>37</b>

The table below presents details of the above mentioned convictions.

### CONVICTIONS 2010

The 7 convictions concerns 9 individuals and the penalties imposed were the following:

S/N	NUMBER OF CONVICTED PERSONS	PENALTY IMPOSED	OFFENCES	DATE OF CONVICTIONS
1	1	300 euro fine	Illegal residence in the Republic of Cyprus	19/06/2012
2	1	22 months imprisonment	Procuration, living on the earnings of prostitution, sexual exploitation, prevention and suppression of money laundering activities law	20/01/2012
3	2	12 months imprisonment with 3 years suspension	Living on the earnings of prostitution, conspiracy to commit a misdemeanor	26/02/2013
		12 months imprisonment with 3 years suspension	Living on the earnings of prostitution, conspiracy to commit a misdemeanor	26/02/2013
4	1	9 months imprisonment	Procuration, living on the earnings of prostitution, illegal employment of immigrants	12/08/2010
5	1	2 months imprisonment	Labor exploitation	16/10/2013
6	2	1000 euro fine	Living on the earnings of prostitution, suppression of brothel	24/09/2012
		750 euro fine	Living on the earnings of prostitution, suppression of brothel	24/09/2012
7	1	1000 euro fine	Illegal employment of an irregular migrant	05/02/2012

### CONVICTIONS 2011

The 8 convictions concern 21 individuals and the penalties imposed were the following:

S/N	NUMBER OF CONVICTED PERSONS	PENALTY IMPOSED	OFFENCES	DATE OF CONVICTION
1	1	1 year imprisonment	Living on the earnings of prostitution	20/01/2012
2	2	4 months imprisonment	Living on the earnings of prostitution, suppression of brothel	29/06/2011
		4 months imprisonment	Living on the earnings of prostitution, suppression of brothel	29/06/2011
3	2	4 months imprisonment with 3 years suspension	Living on the earnings of prostitution, suppression of brothel	13/01/2014
		4 months imprisonment with 3 years suspension	Living on the earnings of prostitution, suppression of brothel	13/01/2014
4	3	3 months imprisonment with 3 years suspension	Suppression of brothel	15/09/2011
		3 months imprisonment with 3 years suspension	Suppression of brothel	15/09/2011
		3 months imprisonment with 3 years suspension	Suppression of brothel	15/09/2011
5	1	12 months imprisonment	Living on the earnings of prostitution	22/08/2013
6	6	2 ½ months imprisonment with 3 years suspension	Suppression of brothel	09/04/2012
		2 ½ months imprisonment with 3 years suspension	Suppression of brothel	09/04/2012
		2 ½ months imprisonment with 3 years suspension	Suppression of brothel	09/04/2012
		2 ½ months imprisonment with 3 years suspension	Suppression of brothel	09/04/2012
		2 ½ months imprisonment with 3 years suspension	Suppression of brothel	09/04/2012
		2 ½ months imprisonment with 3 years suspension	Suppression of brothel	09/04/2012
7	3	13 years imprisonment	Possession of a gun, kidnapping, rape	16/12/2011
		11 years imprisonment	Kidnapping, rape	16/12/2011
		60 days imprisonment	Accomplice after the commitment, false information to a police	16/12/2011



			officer	
8	3	7 months imprisonment with 3 years suspension	Forgery, uttering false documents	23/01/2013
		7 months imprisonment with 3 years suspension	Forgery, uttering false documents	23/01/2013
		7 months imprisonment with 3 years suspension	Obtaining registration with false pretences, forgery, uttering false documents, personation	26/10/2012

### CONVICTIONS 2012

The 16 convictions concerns 29 individuals and the penalties imposed are the following:

S/N	NUMBER OF CONVICTED PERSONS	PENALTY IMPOSED	OFFENCES	DATE OF CONVICTION
1	2	2 months imprisonment with 3 years suspension	Suppression of brothel, living on the earnings of prostitution, conspiracy to commit a misdemeanor	12/03/2012
		2 months imprisonment with 3 years suspension	Suppression of brothel, living on the earnings of prostitution, conspiracy to commit a misdemeanor	12/03/2012
2	2	2 months imprisonment	Conspiracy to commit a misdemeanor, illegal residence in the Republic of Cyprus	11/07/2012
		2 months imprisonment with 3 years suspension	Conspiracy to commit a misdemeanor, suppression of brothel	11/07/2012
3	3	2 months imprisonment	Conspiracy to commit a misdemeanor, suppression of brothel, illegal residence in the Republic of Cyprus	07/08/2012
		2 months imprisonment	Conspiracy to commit a misdemeanor, suppression of brothel	07/08/2012
		3 months imprisonment	Conspiracy to commit a misdemeanor, suppression of brothel	07/08/2012
4	1	18 months imprisonment with 3 years suspension	Conspiracy to commit a misdemeanor, suppression of brothel	08/11/2013
5	1	3 months imprisonment with 3 years suspension	Labour exploitation	09/04/2014
6	2	2 months imprisonment with 3 years suspension	Suppression of brothel	07/09/2012
		2 months imprisonment with 3 years suspension	Suppression of brothel	07/09/2012
7	2	3 months imprisonment with 3 years suspension	Suppression of brothel	29/03/2013
		3 months imprisonment with 3 years suspension	Suppression of brothel	29/03/2013
8	2	3 months imprisonment	Suppression of brothel	28/04/2014

		4 months imprisonment	Suppression of brothel	28/04/2014
9	2	500 euro fine	Suppression of brothel	21/12/2012
		500 euro fine	Suppression of brothel	21/12/2012
10	2	7 months imprisonment	Illegal residence in the Republic of Cyprus, personation, uttering false documents	08/02/2013
		7 months imprisonment	Uttering false documents, personation, prohibited migrant, entered the Republic without the permission of the Migration Officer	08/02/2013
11	1	18 months imprisonment with 3 years suspension	Conspiracy to commit a misdemeanor, suppression of brothel	08/11/2013
12	2	5 months imprisonment	Conspiracy to commit a misdemeanor, suppression of brothel	11/01/2013
		5 months imprisonment	Conspiracy to commit a misdemeanor, suppression of brothel	11/01/2013
13	1	900 euro fine	Living on earnings of prostitution	15/04/2014
14	2	5 months imprisonment with 3 years suspension	Suppression of brothel	24/01/2013
		5 months imprisonment with 3 years suspension	Suppression of brothel	24/01/2013
15	2	5 months imprisonment with 3 years suspension	Suppression of brothel	22/04/2013
		9 months imprisonment with 3 years suspension	Living on the earnings of prostitution, procuration	22/04/2013
16	2	500 euro fine	Suppression of brothel, conspiracy to commit a misdemeanor	21/12/2012
		400 euro fine	Suppression of brothel	19/04/2013

### CONVICTIONS 2013

The 3 convictions concerns 4 individuals and the penalties imposed are the following:

S/N	NUMBER OF CONVICTED PERSONS	PENALTY IMPOSED	OFFENCES	DATE OF CONVICTION
1	2	1000 euro fine	Living on the earnings of prostitution, suppression of brothel	30/04/2013
		500 euro fine	Conspiracy to commit a felony	30/04/2013
2	1	400 euro fine	Prohibited migrant	31/01/2013
3	1	8 years imprisonment	Trafficking in Human Beings, Sexual Exploitation, Living on the earnings of prostitution	23/07/2014

### CONVICTIONS 2014

The 3 convictions concerns 5 individuals and the penalties imposed are the following:

S/N	NUMBER OF CONVICTED PERSONS	PENALTY IMPOSED	OFFENCES	DATE OF CONVICTION
1	1	10 months imprisonment	Suppression of brothel, living on the earnings of prostitution	13/05/2014
2	2	12 years imprisonment	Trafficking of a minor, sexual exploitation of a minor, defilement of girls between the age of 13-17	24/06/2014
		10 years imprisonment	Trafficking of a minor, sexual exploitation of a minor	24/06/2014
3	2	3 months imprisonment	Living on the earnings of prostitution, suppression of brothel	29/05/2014
		1000 euro fine	Living on the earnings of prostitution, suppression of brothel	24/06/2014

Apart from the above mentioned convictions, 15 cases that were investigated prior 2010 resulted in the conviction of 26 perpetrators post 2010.

The table below presents details of these convictions.

S/N	NUMBER OF CONVICTED PERSONS	PENALTY IMPOSED	OFFENCES	DATE OF CONVICTION
1	1	12 months imprisonment	Sexual exploitation, procurement, suppression of brothel, living on the earnings of prostitution	18/03/2011
2	3	8 months imprisonment with 3 years suspension	Sexual exploitation, procurement, living on the earnings of prostitution	02/04/2012
		8 months imprisonment with 3 years suspension	Sexual exploitation, procurement, living on the earnings of prostitution	02/04/2012
		8 months imprisonment with 3 years suspension	Sexual exploitation, procurement, living on the earnings of prostitution	02/04/2012
3	1	1 year imprisonment	Sexual exploitation, indecent assault	02/10/2012
4	1	3 months imprisonment with 3 years suspension	Living on the earnings of prostitution	09/03/2010
5	3	3 years imprisonment	Living on the earnings of prostitution	01/02/2010
		1 year imprisonment	Living on the earnings of prostitution	01/02/2010
		1 year imprisonment	Living on the earnings of prostitution	01/02/2010
6	3	1000 euro fine	Illegal employment	07/06/2010
		1000 euro fine	Residence in the Republic of Cyprus after the expiration of the temporary residence permit, conducting a profession without permit	07/06/2010
		1000 euro fine	Residence in the Republic of Cyprus after the expiration of the temporary residence permit, conducting a profession without permit	07/06/2010
7	2	3 months imprisonment	Maintenance of Personal Data Files without the permission from the Commissioner for Personal Data Protection	02/08/2011
		3 months imprisonment	Maintenance of Personal Data Files without the permission from the Commissioner for Personal Data	02/08/2011

			Protection	
8	2	9 months imprisonment	Conspiracy to commit a misdemeanor, living on the earnings of prostitution	08/11/2010
		9 months imprisonment	Conspiracy to commit a misdemeanor, living on the earnings of prostitution	08/11/2010
9	1	2500 euro fine	Trafficking and exploitation of human organs	11/10/2011
10	2	2 years imprisonment	Sexual exploitation, living on the earnings of prostitution	12/04/2012
		1 year imprisonment	Sexual exploitation, living on the earnings of prostitution	12/04/2012
11	2	8 months imprisonment	Conspiracy to commit a misdemeanor, conspiracy to commit a felony, living on the earnings of prostitution, procurement, sexual exploitation	11/07/2012
		4 months imprisonment	Conspiracy to commit a misdemeanor, conspiracy to commit a felony, living on the earnings of prostitution, procurement	11/07/2012
12	2	1300 euro fine	Suppression of brothel	13/03/2012
		1300 euro fine	Suppression of brothel	13/03/2012
13	1	10 months imprisonment	Labour exploitation, forgery, obtaining a working permit for an alien	01/08/2013
14	1	45 days imprisonment	Assault against a law enforcement officer, residence in the Republic of Cyprus after the expiration of the residence permit	27/01/2010
15	1	22 months imprisonment	Procurement, living on the earnings of prostitution, sexual exploitation, prevention and suppression of money laundering activities law	20/01/2012

### Number of judgments resulting in the confiscation of assets.

We are not aware of any judgments resulting in the confiscation of assets so far.

### Number of judgments resulting in the closure of a business or an establishment which was being used to carry out THB.

According to information received by the Law office, no judgments resulting in the closure of a business or an establishment which was being used to carry out THB have taken place so far as Law 60(l)/2014 was only ratified last April.

### Number of convictions for the use of services of a victim of THB.

There have not been any convictions regarding the use of services of a victim of THB so far. It must be noted that this offence is regulated by article 17 of the Law 60(l)/2014 which was put into force on 15/04/2014.

### Psychological support for victims of trafficking

For the year 2010 no such data were kept.

year	sex	age	Country of origin	Type of exploitation	National/international
<b>2011</b>					
	female	26	Bulgaria	sexual exploitation	international
	female	34	Romania	sexual exploitation	international
	female	16	Africa	sexual exploitation	international
total	3				

year	sex	age	Country of origin	Type of exploitation	National/international
<b>2012</b>					
	female	26	Saint Dominique	sexual exploitation	international
	female	36	Cyprus	sexual and labour exploitation	national
	female	19	Romania	sexual exploitation	international
total	3				

year	sex	age	Country of origin	Type of exploitation	National/international
<b>2013</b>					
	female	25	Bulgaria	sexual exploitation	international
	female	17	Congo	sexual exploitation	international
	female	25	Romania	sexual exploitation	international
	female	28	Romania	sexual exploitation	international
	female	30	Romania	sexual exploitation	international
total	5				

year	sex	age	Country of origin	Type of exploitation	National/international
<b>2014</b>					
	female	31	Bulgaria	sexual exploitation	international
	female	28	Romania	sexual exploitation	international
	female	36	Bulgaria	sexual exploitation	international
	female	33	Morocco	sexual exploitation	international
total	4				

All the women above received psychological assistance and reports for the Court were prepared. Two of them (2013-2014) had to be hospitalized in the psychiatric ward.