

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

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

**Comments submitted by Cyprus
on GREVIO's final report on the implementation
of the Council of Europe Convention
on preventing and combating violence
against women and domestic violence
(Baseline Report)**

Received by GREVIO on 22 November 2022

GREVIO/Inf(2022)37

Published on 23 November 2022

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Supreme Court

The Supreme Court expresses its full support to the noble cause GREVIO is working for, nevertheless, a number of remarks made in its Evaluation Report about the Cyprus judiciary call for a thorough response on our behalf.

In particular, several unspecified and groundless allegations of sexist and misogynist behaviour on the part of the judiciary are made in the Draft Report impugning its impartiality and that of its members. It is indeed highly risky and potentially dangerous to undermine confidence in the justice system by making unfounded accusations of lack of impartiality based on assumptions. Without confidence and trust, the rule of law is undermined. For obvious reasons, it is not the Supreme Court's intention to engage in a discussion on the merits of the particular case mentioned in the Draft Report. However, the Supreme Court would like to reiterate and clarify in definite terms that there is a long-established tradition of independence, impartiality and integrity within the Cyprus judiciary. This is a heritage well-entrenched into Cyprus' judicial system.

Judicial independence is safeguarded by the Constitution and the traditions of the judiciary. The Constitution provides for a strict separation of the powers, jurisdictions and duties of the executive, legislature and judiciary. The judiciary are and must be seen to be independent of the legislative and executive arms of government both as individuals and as a whole. At the same time, individual judges and the judiciary as a whole are independent of all external pressures and of each other so that those who appear before them and the wider public can have confidence that their cases will be decided fairly and in accordance with the law. Judicial independence is so deep-rooted that no senior judge can remove a lower instance judge from a case simply because he or she did not like the decision reached. If that were the case then the principle of judicial independence would be greatly undermined and there could be no possibility of a fair trial. The independence of the judiciary is an expression of the autonomy of that function, a prerequisite to the rule of law and a fundamental guarantee of a fair trial. It is therefore upheld and exemplified in both its individual and institutional aspects.

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Likewise, judicial impartiality which is a requisite of a fair trial, is enshrined in Article 30 of the Republic's Constitution. Article 30 is in fact identical to Article 6.1 of the European Convention of Human Rights ("ECHR"). It is also safeguarded by the principles of Natural Justice which ensure that an adjudicator must be disinterested and unbiased (*nemo iudex in causa sua*). Deviating from the norms of a fair trial renders the proceedings a nullity necessitating the retrial of a case. Furthermore, settled case law, which is a binding form of law in the common law systems, provides authoritative guidance on impartiality. In addition, the authorities laid down by precedent were restated in the Guide to Judicial Conduct ("the Guide") which was adopted in January 2019. The Guide places, inter alia, the principles of integrity, propriety, independence and impartiality, at the epicentre of a Judge's conduct and overall behaviour and sets out the ethical standards expected from all members of the Courts. More importantly, the guiding principles, envisaged in the Guide, are binding and constitute the quintessence of judicial conduct and any breach of them may result in disciplinary action.

Furthermore, it is axiomatic that fairness and equality are central values in the law and justice. The Constitution of the Republic of Cyprus places human rights at its centre. It guarantees the protection of all basic human rights protected by the ECHR. It is in fact modelled on the ECHR save that it is wider in scope and less amenable to limitation or restriction of guaranteed rights. The right to equality is enshrined in Article 28 of the Constitution, which provides that all are equal before the law, the administration and justice entrenching equality in all respects, guaranteeing isonomy, isocracy and isopolity. By virtue of Article 35, all state authorities are under a unabating constitutional duty to protect all fundamental rights and liberties safeguarded by the Constitution. At the same time, the words of the judicial oath make clear that the principles of equality and fair treatment have always been fundamental to the role and conduct of the judiciary when carrying out their judicial functions. Fairness and equality are in fact reflected in the very fabric of our judicial system; the composition of the judiciary itself. In terms of representation at all levels of the judiciary, women currently make up about 55% of Cyprus judges.

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Have no doubt that the Supreme Court would have been the first to show unwillingness to tolerate any behaviour that is inconsistent with the high ethical standards expected from judicial officeholders in the performance of their judicial functions. The Supreme Court would have also been the first to react to any display of behaviour that runs contrary to the judicial oath, judicial deontology and foremost to the Constitution. Any alleged behaviour proven to be true would have been called out and dealt with within the formal procedure in order to safeguard the independence and impartiality of judicial decision-making; a cardinal aspect in a democracy. It is for this reason that the Supreme Court blatantly rejects any references made in the Draft Evaluation Report which cast doubt on individual judicial officeholders' impartiality as well as of the judicial body as a whole. Any assumptions and allegations made are unjustified and unfounded.

Lastly, numerous references were made in the Draft Evaluation Report concerning lack of judicial training. The Supreme Court would like to emphasise that tremendous work and dedication has been devoted to promoting the genesis and development of the Judicial Training School ("the School"). The School was officially established in August 2020 with the enactment of Law 101(I)/2020. It is based on the model of the Judicial College of England and Wales (and not of the continental systems) and its training programmes are based on the Judicial Training Principles documented and adopted by the European Judicial Training Network (EJTN) and the executive committee of the European Networks of Councils for the Judiciary (ENCJ). In its first official two years of operation the School has provided training programmes of an outstanding quality, including on procedural safeguards in criminal proceedings and victims' rights. The School has demonstrated incredible commitment to providing on-going training to first instance judges, legal officers of the Supreme Court, registrars, public prosecutors and court staff across Cyprus and will continue to work with the same vigour.

Law Office of the Republic of Cyprus

We note that Grevio's delegation did mention to the representatives of the Law Office of the Republic of Cyprus and/or the representatives of the Supreme Court, the serious and unsubstantiated claims put forward in the Draft form of Grevio's (Baseline) Evaluation Report,

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neither did they raise any concerns in relation to the alleged display of sexist and misogynist attitudes towards women victim of domestic violence and sexual violence/rape by the prosecutors and judges that leads to the downplaying of violence in these offences (see para. 89 and 236). It would have been preferable and more just, to allow the other side to be heard (audiatur et altera pars), before such serious and offensive claims against prosecutors and judges were recorded. We disagree with these claims, even though we are not aware of the criteria that the above claims are based on and we emphasise the high standard of conduct exhibited by the judges and prosecutors in safeguarding the fair trial process.

It appears that, from the totality of our Courts jurisprudence, paragraph 89 of the draft report concentrates on an isolated decision, that has, however, been overruled by the Supreme Court for specific reasons that do not relate to issues of sexist and/or misogynist attitudes.

In relation to the homicide case of asylum seeker Ghada Al Nouri from Syria, we note the following. The victim made a complaint to the police authorities for the first time on the 10/01/2020, and the suspect was subsequently arrested on the 12/01/2020 on the basis of a judicial arrest warrant. On the 13/01/2020 the suspect was taken to the Paphos District Court where a Remand was issued. The case was scheduled for hearing on the 24/02/2020 and an emergency barring order was therefore issued, ordering the removal of the suspect from the family home until the completion of the case. We further note, that the victim, both during the detention of the defendant as well as during the time that the case was submitted before the court, requested to withdraw her complain and requested that the suspect was set free. A request which was not accepted by the prosecution. Also, both during the submission of the case before the court as well as after, the victim was continuously advised by a Social Services official, to be moved to a special refuge aimed for the protection of women, but she refused.

Greivio's Draft Report negatively denotes that in cases where the victim withdraws her statement, prosecution has often not been pursued due to insufficient additional evidence having been collected. The report mentions that law enforcement authorities, under

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prosecutor's guidance, primarily rely on the testimonies of the victim and the perpetrator and, in some cases, on evidence have resulted in a low number of cases proceeding successfully along the criminal justice chain and ending in conviction. Grevio believes that the insufficient collection of additional evidence constitutes an omission on the part of the law enforcement authorities and consequently suggests that the law enforcement authorities' collection of evidence should entail documenting injuries (with the consent of the victim), taking photographs of the crime scene, collecting DNA samples, taking statements from neighbours and any other potential witnesses (see para. 232).

In relation to the above, we note that the investigation of a criminal case is undertaken by the law enforcement authorities. The Attorney General of the Republic of Cyprus, decides whether or not to pursue prosecution on the basis of the collected evidence. Certainly, if on examination of the investigation file, the prosecutor notices any omissions, these are brought to the attention of the law enforcement authorities who then have to take all necessary actions. The report wrongly puts forward that the law enforcement authorities do not collect scientific evidence such as DNA samples etc. It is our position, that in the majority of cases which are indeed numerous and especially in cases concerning rape, the identification of the defendant's DNA amounted to corroborating evidence that lead to his conviction. We also note that the investigation of mobile phones and computers is also carried out by the law enforcement authorities in order to locate electronic messages, photographs and to identify the exact location and movements of the perpetrators. Not only is the crime scene photographed, but so are any scenes that the victim proceeds to indicate. The above actions taken by the law enforcement authorities as well as any other, such as the taking of testimonies from neighbours and the close environment the individuals involved, constitute an indispensable part of the evidence. Certainly, each case is investigated and examined on its own individual facts, always with the view of ensuring a fair trial. If the complainant indicates her intention to withdraw her complaint, either herself personally or via her lawyer, then the law enforcement authorities must and do examine if that intention is genuine or if it is a result of fear or threat etc. In many instances, despite the withdrawal of the complaint, the prosecutor summons the complainant in Court, in order to give her

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the opportunity to testify before a court of law. If there is sufficient evidence which justifies the continuation of prosecution, even in the absence of a complaint and a testimony from the complainant, the prosecutor continuous to pursue the prosecution of the perpetrator, where there is of course admissible evidence according to our courts' jurisprudence and the jurisprudence of the ECtHR and ECJ.

Grevio comments negatively on the lack of mandatory initial and in-service training, both for judges and prosecutors on all forms of violence against women. It emphasises that redoubled action and training is required in order for the new legislation and protocols to bear their fruit (see para.236).

With regards to the obligation of mandatory training found in paragraph 236 of the report we note the following.

Specifically, the Provision 47(1) of the 115(I)/2021 Legislation, provides that:

«47.-(1) The Services involved **promote** regular information, training, as well as systematic and **compulsory** education within departments and interdepartmental education, awareness-raising and training of all officers or other persons who may come into contact with victims of violence against women and/or handle a case of violence against women, regarding prevention and combating of offences of violence against women, equality between women and men, the needs and rights of victims and the decrease of such offences, the identification of the victims and the minimization of cases of recidivism of perpetrators.»

From the grammatical interpretation of the above provision, the word **PROMOTE** has an imperative character.

Indicatively we also refer you to Provision 36 up until Part V (Provisions 41(1)(e)) of the same legislation, which also contain provisions relevant to the provision of training for all authorities that deal with issues of violence against women. At the meeting with Grevio's delegation the representative of the Law Office of the Republic of Cyprus specifically said that:

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«The Law Office of the Republic of Cyprus seeks the ongoing training of its officials with regards to various legal issues. For this reason, it responds positively and takes part in conferences held in Cyprus and abroad with relation to various issues. Within the framework of our cooperation with EU and Third countries, last November, counsels and prosecutors of the Legal Service participated in a workshop on Gender Based Violence in Nicosia, co-organised by the UK High Commission in Cyprus and the Law Office of the Attorney General. In addition, earlier this month 7-10/3/22, members of the Legal Service participated in a study visit in Scotland where they had the opportunity to be informed about the support measures and facilities provided to victims of sexual abuse and domestic violence within the criminal justice system. The latter was particularly enlightening because the training was addressed to other agencies as well, such as the health services, the police and the social welfare services and as a result the participants gained a wider perspective on the subject.

Moreover, prosecutors also attended several conferences organized by the Hope for Children Organization concerning child victims. Namely the 'Judicial Process – Child Friendly Justice' conference, the 'Medical Treatment of sexually abused children – Multifaceted cooperation' seminar and the 'Children as witnesses' conference. In addition prosecutors attended the Multi-agency seminar held for professionals, relating to the 'Development of Tools for the Determination of the Interest of the Child' which was organized by the Cypriot Commissioner for Children's Rights. Other conferences to which the officials of the Law office of the Republic of Cyprus were involved, included the seminar relating to the 'Sexual Abuse of pre-schooled aged children: Identification, Management, Prevention: the role of the kindergarten' held by the Cyprus Pedagogical Institute, 'the Prohibition of Racial Discrimination under the ECHR and the UN Convention' held by the Law office of the Republic of Cyprus itself, the seminar concerning 'Trafficking in Human Beings – Training Workshop for the Law Office of the Republic of Cyprus and the Police' organized by the Embassy of the United States of America in Cyprus, as well as seminars organized by the Cyprus Police Force regarding 'Modern Slavery and Human Trafficking – Identification, Investigation and Prosecution' and 'International and European Approaches in Combating Sexual Abuse, a Focus on Multi-Agency Coordinated Interventions'.

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The Law Office of the Republic of Cyprus encourages and instructs its officials to undertake such training and demands that prosecutors demonstrate a significant reason that justifies their absence from these trainings.»

We would also like to draw your attention to the fact that the ratification of the relevant legislation only took place in 2021. For indicative purposes only, we note that in June 2022 the Law Office of the Republic of Cyprus held a seminar dealing with The Better Presentation of Criminal Cases in relation to the Offences of Sexual Abuse and Exploitation where the Victims are Vulnerable Witnesses- Children. In light of the above, the prosecutors of the Law Office of the Republic of Cyprus partake in seminars that take place both in Cyprus as well as abroad.

In addition, the report emphasises that prosecutors have an inadequate understanding of the paradigm shift in proving rape since the amendment of the law (see para.236).

The above conclusion recorded in paragraph 236 of the report, concerning the inadequate understanding of the paradigm shift in proving rape since the amendment of the law, is also arbitrary.

Emergency Barring Orders

GREVIO's report also mentions that in cases of direct and imminent danger, the authorities bear the duty to order the perpetrator to vacate immediately the residence of the victim and to bar him from returning "for a sufficient period of time" and contacting the victim and her children.

In contrast with the above mentioned, there is a sufficient legislative framework set in place for the issuance of barring orders against the suspect or for the removal of the victim, depending on the particular facts of each case, taking into consideration the best interest of the victim, as we had explained during our meeting on the 16/3/2022. In any case, it is always examined whether it is best to order the removal of the victim or issue a barring order against the perpetrator. In cases where the parents display an abusive behaviour against their

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children, the removal of the children and their relocation to a safe environment is deemed appropriate.

Ministry of Health

Paragraph 26, page 16

The National Strategy on Sexual and Reproductive Health of Youth (2018-2025) is a policy paper which provides the framework for action by the involved stakeholders and aims at the attainment of the Strategy's goals. Based on this, the Strategy is not allocated a dedicated budget for its implementation and each stakeholder promotes and implements actions using own budgets.

Paragraph 52, page 22

As indicated above, the National Strategy on Sexual and Reproductive Health of Youth is a policy paper which provides the framework for action among involved stakeholders.

Paragraph 57, page 24 Health-care sector

The authorities have informed GREVIO that data is available on the number of victims of domestic violence who have been assisted by mental health services. More generally, however, no data appears to be collected on the number of women and girls who seek help and contact the health sector for experiences of violence against women, including domestic violence. **The importance of a central unified system for data collection (public and private sector) is stressed.**

Paragraph 85, page 30

We agree with the recommendations of the group of experts on:

- a) The need to expand and renew the health education course included in the school curriculum as regards sexuality education and the women's sexual and reproductive rights.

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b) The necessity for training of health professionals in health education and raising their awareness for detecting forced marriages or FGM.

The Schools Medical Services are expanding and renewing the health education curriculum for sexual education and more emphasis shall be given to prevention of unwanted pregnancies and contraception at an earlier stage during secondary school education.

Paragraph 94, page 32

Training seminars are being organised for health professionals with other multiagency teams with all relevant players in order to increase awareness of violence against women, to inform them of their legal obligations and to clarify the support available and the appropriate management of such cases.

Paragraph 159, page 48

In the Parent-Child Relations Law, there is the possibility (article 8 1.) that one parent is entitled to exercise ordinary acts of custody or acts of an urgent nature on his own. This of course needs a better legal interpretation so that minor victims of violence with mental damage (thus of an urgent nature) can receive support without the consent of the parent(s). At the present stage this provision is not exercised for purposes of violence in the family but only for purposes of serious psychopathology or any self-destructive acts. It is suggested that a special opinion be requested from the General Prosecutor's Office, in order to clearly include the issues of violence against minors and especially their support as matters of an urgent nature that only the non-necessary parent should take care of.

Also in the amending law on violence against the family 172(1)/2015, article (6) the family counselor has the power, without the consent of the persons who have parental care, to arrange for the examination of minor victims by a psychologist/psychiatrist.

Deputy Ministry of Social Welfare

Introduction (point 7):

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Deputy Ministry of Social Welfare to be added.

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

All Social Welfare Officers are qualified (for example, inter alia, psychologists, sociologists, social workers) and trained to provide the necessary assistance, support and counseling to violence victims. First-line officers and staff involved in violence victims also undergo training for the early detection and referral of all violence cases. Seminars and workshops are organized on an annual basis by the Social Welfare Services to train Social Welfare staff and further strengthen their capacity to fulfil their roles.

In 2022, a number of Social Services Officers attended seminars and training offered by governmental services and organizations either in Cyprus or abroad. In July 2022, twenty-five (25) of our Officers attended a seminar on "Violence against Women and Femicide" organized by the Advisory Committee for the Prevention and Combating of Violence in the Family. The seminar included training on the main provisions of the relevant legislation and on the indicators for the early detection of a victim of violence. Additionally, in June 2022, five (5) Officers attended the presentation of a unique program in Cyprus, which endeavors to offer rehabilitation services for perpetrators of Domestic Violence, called PROTEAS and were thoroughly informed about the operation of the program and the services it provides. Moreover, Officers working with asylum seekers, in June 2022, had the opportunity to participate in three (3) (online-only) modules, of a short duration program, organized by EUAA. The program included an introduction to the Legal Framework on fundamental rights and international protection in the EU, an introduction to the communication for asylum and reception practitioners and an introduction to the concept of vulnerability and the identification of Potential Dublin Cases.

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

2. Intersectional discrimination

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During the pandemic, the Social Welfare Services (SWS), of the Deputy Ministry of Social Welfare, followed all the precautionary measures against the spread of COVID-19 and maintained a cooperative relationship with other competent departments by providing services to people in need and to victims of violence. For this purpose, Social Welfare Services have enhanced their cooperation and collaboration with all the relevant Services and stakeholders in order to be able to detect and effectively manage such cases.

It is important to mention that Social Welfare Services are operating an on-call system, which extends beyond business hours and during the weekends. Social Welfare Officers, who are on duty, manage effectively any referral involving victims of violence and provide immediate support, by providing all required information, psychosocial support and assistance.

Furthermore, in order to cope with the rapidly increasing numbers of asylum seekers in terms of identifying and continuously supporting vulnerable people, Social Welfare Services have secured direct funding from the European Commission, under the Asylum, Migration and Integration Fund's Emergency Assistance Folder, for a project entitled «*Strengthen the existing structures and operational capacity of the Social Welfare Services to cope with the rapidly increasing numbers of asylum seekers and unaccompanied minors*».

Within this framework, as of 01/06/2022, the number of Social Welfare Officers who have been employed by Social Welfare Services has increased from forty-two (42) to fifty (50). A number of them are currently placed at the Reception Centers (Pournara and Kofinou) in order to assist asylum seekers and adequately address their needs, as well as, identifying and monitoring vulnerable people. The services offered by the Social Welfare Officers within the Reception Centers include the examination of the applications for Material Reception Conditions, the assessment of the needs of asylum seekers and the provision of relevant support, the promotion of social inclusion by means of promoting social counseling and integrative counselling, the provision of referrals for psychological support, the provision of assistance in securing the adequate housing of asylum seekers, the facilitation of access to health care and employment services, etc.

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The newly appointed Social Welfare Officers participated in a comprehensive training on all matters relevant to Applicants of International Protection and unaccompanied minors, including training in the Refugee's Law 2000-2020 and the procedures regarding the provision of Material Reception Conditions as well as, the identification of vulnerable persons, including victims of violence. The second phase of the training will be organized in cooperation with the Asylum Service.

As a response to the management challenges Cyprus faces, on migration, a new procedure has recently been implemented, in which, the applications for Material Reception Conditions of International Protection Applicants are submitted at the First Reception Centre (Pournara). This is done on the day of their scheduled departure from Pournara and according to this new procedure, the basic needs allowance can only be collected at the district office of the area the applicant has declared as their permanent residential address.

It is worth noting that the application form for the provision of Material Reception Conditions has been translated into six (6) languages so that it is better understood by the applicants. In addition, a leaflet is provided, to inform applicants about their rights. The above procedure aims to improve the support system, decrease the waiting period and avoid the overcrowding at the Lakatamia Welfare Offices, thus minimizing the risk of migrants being victimized in any form.

II. Integrated policies and data collection

B. Financial resources

The programs operated by APHVF, are subsidized annually within the framework of the State Aid Scheme, of the Deputy Ministry of Social Welfare, under the Commission Decision 2012/21 EU, for the provision of services of general economic interest. According to the EU Decision as mentioned above, NGOs and Local Authorities may receive state aid, when they meet certain criteria, for the

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development and functioning of social care programs. The amount received by the Organizations is evaluated on an annual basis, according to defined criteria, including the submission of documents such as budgets, audited accounts etc.

The Ministerial Council has decided to provide a full state subsidy to the Women's House, for the first two years of its operation. More specifically for 2020 and 2021 the state granted the amount of €197,000 and €497,000, respectively.

Through the State Aid Scheme, of the Deputy Ministry of Social Welfare, the Women's House will continue to receive financial support as long it meets the defined criteria.

E. Data collection and research

Social Welfare Services collect data on domestic violence which is presently disaggregated only by geographical location. A new form of collecting data is under examination by the Social Welfare Services.

In addition, according to the Law No.115(I)/2021, a National Coordinating Body for the Prevention and Combating of Violence against Women is being established and is responsible, among others, for the co-ordination of the collection, processing, analysis, studying, dissemination and publication of statistical data, at regular intervals, in relation to violence against women and domestic violence in the Republic.

The Social Welfare Services is a member of the newly established Subcommittee of the National Coordinating Body, for the Prevention and Combating of Violence against Women. The subcommittee has the mandate to study methods and good practices of data collection for victims of violence, in order to develop a new refurbished system of data collection for all services involved and to take decisive steps to implement a plan and establish a centralized database on all forms of violence against women, covered by the scope of Istanbul Convention.

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III. Prevention

D. Training of professional (Article 15) and E. Preventive intervention and treatment programs (Article 16)

All Social Welfare Officers are qualified (psychologists, sociologists, social workers) and trained to provide the necessary assistance, support and counseling to victims of violence. First-line officers and staff working alongside victims of violence are also appropriately trained for early detection and referral of all violence cases. On an annual basis, seminars and workshops are organized by the Social Welfare Services to train Social Welfare employees and strengthen their capacity to adequately fulfil their roles.

As it was already mentioned, a number of Social Services Officers attended seminars and training offered by governmental services and organizations either in Cyprus or abroad. In July 2022, twenty (25) of our Officers attended a seminar on "Violence against Women and Femicide" organized by Advisory Committee for the Prevention and Combating of Violence in the Family. The seminar included training on the main provisions of the legislation and on the indicators for detection of a victim of violence. Additionally, in June 2022, five (5) Officers attended the presentation of a unique program in Cyprus directed at perpetrators of Domestic Violence, and aiming at their rehabilitation, called PROTEAS and were informed about the operation of the program and the services it provides. Moreover, Officers working with asylum seekers, in June 2022, had the opportunity to participate in three (online-only) modules, of a short duration program, organized by EUAA. The program included introduction to the Legal Framework on fundamental rights and international protection in the EU, introduction to communication for asylum and reception practitioners and introduction to vulnerability and identification of Potential Dublin Cases.

IV. Protection and support

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The Social Welfare Officers, within the interdepartmental and/or multidisciplinary collaboration framework, and within provision of services required in the event of joint-handling of an incident of violence against women, may exchange information regarding the victim of violence and they do so within the existing legal framework of certain acts of data processing as well as based on co-operation protocols.

Regarding the interpretation of Articles 18, 19 and 35 and the obligation of the Social Welfare Services to inform the police «accordingly», after having informed the victim of their rights and the support services available, the Social Welfare Services are expected to refer the issue to the National Coordinating Body for the Prevention and Combating of Violence against Women, in order to decide and introduce, together with the police and all the other services involved, a standard operating procedure.

B. Information

According to article 6 of the “Law of the Establishment of Minimum Standards on the Rights, Support and Protection of Victims of Crime” and according to the article 19 (2) of the Prevention and Combating of Violence Against Women and Domestic Violence and for Related Matters Law, 2021, Social Welfare Services provide all victims with all the necessary information regarding their rights, options and protection.

Even though, the above information is provided during the process of counselling, in a language that is understood by the victim and in a culturally sensitive manner, Social Welfare Services have also prepared an information leaflet, translated in various languages.

C. General support services (Article 20)

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It is important to mention that, victims of violence are entitled to financial, psychological and social support, which they receive from the government, which also collaborates with non-governmental organizations, irrespectively of whether the victim of violence is willing to participate in the criminal proceedings.

SWS provide long-term help which include:

(a) financial support services: The main allowance, for which victims of violence can apply, is the "Minimum Guaranteed Income". The assessment of victims of violence applications is prioritized, while in the meantime the Social Welfare Officers can emergency financial assistance in order to cover their basic needs, if needed.

(b) housing services: victims of violence have the right to apply for Guaranteed Minimum Income which includes a rent allowance. Social Welfare Services also provide emergency financial assistance to cover basic needs regarding accommodation if needed.

(c) for women with disabilities, the Social Welfare Services assess their best interest in collaboration with all the competent departments and Non-Governmental Organizations involved. Women are thoroughly informed about their rights and are referred to the services considered necessary (for example, inter alia, mental health services, health services) etc.

(d) employment services: The process of employment rehabilitation is not generally a responsibility of the Social Welfare Services but Social Welfare Officers do encourage and guide as appropriate victims of violence to visit the Employment Department or refer cases to suitable employment agencies.

Social Welfare Services continue to implement the measures, which have been adopted in 2019 and 2020, for the reception and integration of asylum seekers in the Republic of Cyprus. Social Welfare Services provide Material Reception Conditions (monthly allowances for basic needs, for example, inter alia, electricity, water supply, petty cash expenses and rent) to asylum seekers who cannot be are no longer accommodated at a Reception Centre. High priority

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is given to vulnerable people and families with children at risk, including arrangements for housing and accommodation.

At the same time, SWS responds immediately to cases of asylum seekers that are unable to find suitable accommodation and face the risk of homelessness. The Council of Ministers decided, on 7/10/2020, to cover the living expenses, of families of Applicants for International Protection with minor children (regardless of vulnerability) as well as the living expenses of vulnerable persons and victims of violence, as defined in article 9KG of the Refugee Laws 2000-2020 (for example, inter alia. pregnant women, people with disabilities, victims of violence). This includes temporary accommodation (hotels and / or other accommodation) for a period of one (1) to three (3) months, in order to assist them, to find a permanent place of residence in the community as soon as possible. Furthermore, newly arrived individual asylum seekers, who are referred to Social Welfare Services, receive emergency financial assistance from day one, to cover their basic needs and accommodation.

D. Specialist support services (Article 22)

The Woman's House in Nicosia district operates on a pilot basis and the necessity of expanding its operation to other districts will be assessed by the Deputy Ministry at a later stage.

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

Rape victims from all Districts are referred to the Woman's House.

V. Substantive Law

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

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In cases of Family Court orders, and the visitation arrangements under the supervision of a Social Welfare Officer, either at the offices of Social Welfare Services or elsewhere, appropriate measures are being implemented, in order to ensure the safety of the victim of domestic violence and the best interest of the child. Such measures, might be the arrangement of different arrival/departure time for each parent, the contribution of a third party in the transportation at the meeting place, the arrangement of the presence of a security guard in the building etc.

VII. Migration and asylum

It is important to clarify that, social welfare benefits (Material Reception Conditions) are not provided for asylum seekers who reside at a Reception Centre (Pournara or Kofinou Camps), the responsibility of which, falls into the Ministry of Interior. Material Reception Conditions (monthly allowances for their basic needs, for example, inter alia, electricity, water supply, petty cash expenses and rent) are provided to asylum seekers who are no longer accommodated at a Reception Centre. High priority is given to vulnerable people and families with children at risk, including arrangements for housing and accommodation. Specifically, newly arrived individual asylum seekers who are referred to SWS, receive emergency financial assistance from day one, to cover their basic needs and accommodation.

The Social Welfare Officers who are responsible for working with victims of violence are fully qualified and experienced in identifying and supporting vulnerable people. They provide assistance and immediately refer all cases of violence against women to the police and other competent services. They are working with sensitivity, understanding, professionalism and full empathy.

The SWS, will thoroughly review all the recommendations of the Committee and proceed to adopt additional measures of support and protection of victims of violence, in collaboration and cooperation with

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other services involved and NGO's, through the operation of the National Coordinating Body for the Prevention and Combating of Violence against Women.

Cyprus Academy of Public Administration (CAPA), Ministry of Finance

- In the **Introduction, p.7 on the 4th paragraph from the end** Cyprus Academy of Public Administration is written 2 times.
- **87.** Moreover, concern has been expressed regarding the limited capacity of CAPA as the main actor responsible for training in the public service, to provide extensive support for training activities related to issues on gender equality, due to other strategic priorities set by CAPA's line Ministry, the Ministry of Finance, such as issues of reform of the Civil Service.
- **92.** CAPA is responsible for the design, organisation, implementation and evaluation of training programs for public servants. CAPA has provided trainings, in co-operation with governmental organisations, independent bodies and NGOs, on the following subjects:
 - "Gender equality in employment and vocational training in the Public Service", where emphasis was given on the legislative framework and sexual harassment
 - "Combating sexual harassment and harassment in the workplace", after the adoption of a Code of Conduct for the prevention and treatment of sexual harassment and harassment at workplace. Additionally, CAPA is responsible for the training of the Gender Equality Committees designated in each Ministry.
 - "Gender Equality in Civil Service"
 - "Coexistence Policy and Public Service: The challenge of non-discrimination on the basis of sexual orientation and gender identity"
 - "Early detection and referral of cases of exploitation and trafficking"

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- "Excessing linguistic sexism in the documents of Cyprus Public Administration"
- "Workplace Bulling in the Civil Service"
- "Multiculturalism and diversity management in the public sector"
- "Dealing with discriminations in customer service"
- «Action Against Discrimination: Capacity Building And Awareness Raising Campaign»

CAPA also:

- Is running an Erasmus+ program with the tittle "Active Strategies for Prevention and Handling Sexual Harassment Incidents" (ASTRAPI), ending in August 2022
 - Participated in the Campaign on Zero Tolerance to Violence against Women and Girls in Cyprus, through the European Financial Program "PROGRESS" in cooperation with the Office of the Commissioner of Administration (Ombudsman) of Cyprus. CAPA was a co-beneficiary partner.
 - Is a member of the Steering Group for the promotion of learning activities related to the training of civil servants on gender mainstreaming in all policies. The Steering Committee has issued a guidebook on gender mainstreaming which also includes an Action Plan of an Educational Program. Two five-day training programs were conducted in line to this action plan.
 - Is responsible for a publication entitled "Promoting Equality and Promotion of the Human Rights", 2017
- **102.** CAPA, in co-operation with the office of the Commissioner for Administration and the Protection of Human Rights, has provided training to 570 civil servants on this Code in the period 2019-2021, as well as to 192 members of the Equality Committees that have been designated in each Ministry with the aim to raise awareness on this issue, including on how to enforce the Code. These trainings, according to the Gender Equality NAP 2019 – 2023, will continue in order to cover any new members of Equality Committees or upon requests for the training on the Code.

Statistical Service, Ministry of Finance

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Concerning paragraph 55 of the revised GREVIO Report:

As we had mentioned in our previous comments sent in August 2022, CYSTAT has expressed its willingness to collaborate with the Advisory Committee for the Prevention and Combating of Violence in the Family (ACPCVF) and contribute towards the implementation of a “centralized and harmonized database on domestic violence”.

National Machinery for Women’s Rights

The Ministry of Justice and Public Order, recognizing the very important role played by Non-Governmental Organizations in the field of equality, grants and supports them from the relevant fund. Grants are paid to women’s organizations from the National Machinery for Women’s Rights fund in accordance with established grant regulations.

The Ministry of Justice and Public Order, through the Gender Equality Commissioner and the Gender Equality Unit, satisfied a series of requests from Non-Governmental Organizations and other bodies, for funding research, educational and enlightening programs as well as programs that provide direct help and support to women. Priority is given to subsidizing actions that fall directly within the objectives of the National Action Plan for Gender Equality.

The budget of the National Machinery of Women’s Rights for 2022 amounts to €520,000. A large part of this budget, amounting to €290,000, was earmarked for grants to women’s organizations and other bodies. Specifically, an amount of €202,853 was set aside for annual grants, while an amount of €66,147 was set aside for program grants upon request.

Please note that in 2019 there was a modification of the Annual Grants Scheme and there was an increase of the maximum limit of the Annual Grants Scheme for Organizations - Members of the Council of the National Machinery for Women’s Rights from €12,000 to €15,000 and an increase of the upper limit of the Annual Grant Scheme for Non-Member Organizations of the Council of National Machinery for Women’s Rights from €7,000 to €8,000.

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Please also note that the basic criteria applied for the participation of organizations in the Council for Women's Rights are the following:

- (i) Representativeness, involving a wide range of organizations; covering as much as possible all political spaces.
- (ii) The contribution / work of organizations in society, regarding women's rights and gender equality (main women's and trade union organizations)
- (iii) The size of the Council, aiming to remain, as far as possible, a small flexible Advisory Body.
- (iv) Decision of the Council of Ministers approving the participation of a new member.

The issue of the sexual violence and rapes that occurred in 1974 from Turkey's illegal invasion and occupation of Cyprus, remains a very sensitive one and the victims do not even today speak openly about it. This happens in many small countries where small societies are dominated by stereotypes and social prejudices, so in Cyprus this issue is still sensitive and the victims do not speak openly about the sexual violence and rapes they suffered.

Regarding the NAP on Resolution 1325 during the first consultation with civil society and the relevant Ministries and government departments it became clear that the fourth pillar, Relief and Recovery, in the first NAP would be difficult or even impossible to implement under these conditions. In the NAP 2021-2025, pillar 4 was replaced by the campaign and informing civil society more broadly about the goals and provisions of the resolution.

After several procedures the state has now established a name-list of women who have declared that they have been victims of rape during 1974 and have been recognized as victims under the relevant law. The name-list includes only 76 women, it is a relatively small number and does not reflect the real number, since the information records around 700 Greek Cypriot women. These 76 women receive 1,000 euros per month as financial assistance.

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Asylum Service, Ministry of Interior

Point 279-208

FGM is considered to be an act of persecution and gender-related form of persecution.

The examination of such cases varies according to the claimant's country of origin, personal circumstances.

As a policy, victims of FMG, that is women who have undergone the practice of FGM, are granted subsidiary protection in accordance to art. 15(b) of the QD, if it is proven that they will be subjected to re-infibulation or further cutting.

If a woman originated from a country of origin that FGM is practiced among her own community or it a practice that affects the majority of the population (Somalia), and she has not been imposed to this practice of FGM, then a refugee status is granted on the basis of constituting a social particular group.

Point 281

- Vulnerabilities are carried out as soon as the Asylum Procedure begins at registration but in cases of families or single parents it might happen even before registration. Vulnerabilities can be carried out through the procedure of Asylum at any point. A person might not be vulnerable at arrival but he/she might become vulnerable at another point.
- Vulnerabilities are carried out by 6 Vulnerability officers in Pournara who are trained officers on this subject and they are doing the interviews and possible referrals of vulnerable people to the different services. (Social Welfare Services, Mental health services, Emergency etc)
- After the vulnerability is identified the officers depending on the vulnerability are referring the applicants to the Social Welfare Office, or to the Mental Health Services or to any other health care needed in

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order for them to be provided with adequate support in order to allow them to benefit from the rights and comply with the obligations.

- A minor is ensured that he is represented and assisted by a legal guardian as soon as he/she arrives. He/she is informed in a language that he/she understands about the procedure and the interview and the possible consequences of the personal interview. The person conducting the interview has the necessary knowledge of the special needs of minors.
- Information are given to all asylum seekers, more information for women are given during the vulnerability assessment but we are in the process of developing an information leaflet so as for women to be informed specifically about their rights and the process.
- Women who are part of a family unit are heard separately from the husband when lodging the asylum request.
- Women in a family unit can also raise independent needs for protection and gender-specific grounds leading to a separate application for asylum.
- They also receive information on available assistance services.
- Also applicants always had the right to express a preference for the sex of their interviewer and interpreter and they are asked before and also during the introduction of an interview or procedure.

Point.284

- (a) there is no system in place to collect statistics on the number of asylum requests received per year, broken down by gender and specifying the number of children until now but we are upgrading our system and we are including this information hopefully by the end of the year.

Ministry of Education, Sport and Youth

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Page 28, Education (Article 14) and Footnote 60 (see comment below)

The Ministry of Education has developed a new policy in 2018, which defines the use of a non-sexist language in all Ministry documents. The policy is implemented through a guide called "Guide for the Transcendence of Language Sexism in the Language of the Documents of the Public Administration of the Republic of Cyprus".

Page 28, Paragraph 77 (our additions in text in red)

GREVIO equally welcomes the introduction since 2011 of the compulsory subject of health education for pupils of primary and secondary school which addresses equality between women and men, the deconstructing of gender stereotypes, sexuality education and violence against women, among other issues. An equally welcome development concerns the revision in recent years of the school curriculum with a view to eliminating gender stereotypes. GREVIO was also informed by the authorities that guidelines and training is provided to the those who teach health education. In this regard, the Ministry of Education has clarified that, between 2020-2021, 90 teachers participated in three training seminars on sexuality education for primary school, including on the issue of child sexual abuse in collaboration and with the participation of the Educational Psychology Services of the Ministry of Education. It is not clear, however, whether initial mandatory training of teachers is provided and whether such in-service training is mandatory. It is noted that training for in-service teachers in Cyprus is not mandatory on any subject for all teachers. The Cyprus Pedagogical Institute, as the authorized government body for in-service teacher training for all levels, provides several training opportunities through its various structures (e.g. optional afternoon seminars, school-based seminars, conferences) on issues related to gender equality.

Page 28, Paragraph 78 (see comment below)

The Department of Higher Education of the Ministry of Education suggests the inclusion of the next paragraph:

Commented [SV1]: Not implemented. Please add if possible.

Commented [SV2]: Not implemented. Please add if possible.

Commented [SV3]: Implemented. Ok.

Commented [SV4]: Not implemented. Please add if possible.

Commented [SV5]: Not implemented. Please add if possible.

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“The Department of Higher Education (DHE) has already taken steps in the academic year 2021-2022 for the collection of both qualitative and quantitative data through the development of an online platform on various aspects of Higher Education in Cyprus (e.g. student population, academic/teaching staff, programs of study etc.) from all Higher Educational Institutions (HEIs) in Cyprus on a yearly basis. Data collection involves among other things, gender disaggregated data regarding the student population and academic/teaching staff in HEIs alongside other indicators (such as level of study, field of study for student population) in order to develop initial baseline assessment, but also to be able to evaluate progress on gender equality in terms of access and participation in Higher Education (HE). In the context of the annual report of DHE on mapping the field of Higher Education in Cyprus, a separate chapter will be devoted to gender participation in HE. This systematic gathering and analysis of data will provide the necessary evidence in order to evaluate and explore whether gender equality works and where it works and thus inform decision-makers regarding existing inequalities. Finally, the DHE will develop a comprehensive National Graduate Tracking Mechanism that will generate high quality and comparable data on a longitudinal basis from graduates of all genders in all Higher Education Institutions (HEIs) in Cyprus, regarding their career paths after obtaining their qualifications in Higher Education by combining survey and administrative data. The online platform and the National Graduate Tracking Mechanism will provide valid and reliable data in order to estimate statistical indicators and track progress on various dimensions regarding gender equality.”

Page 28, Paragraph 79 (our additions in text in red)

Worthy of notice is also the “Code of Conduct Against Racism and the Guide for Managing and Reporting Racist Incidents” which has been implemented in public primary and secondary schools by the Ministry of Education, with the support of the Pedagogical Institute, since 2014. Racism is therein defined and conceived as encompassing different types of discrimination and negative conduct, including homophobia, transphobia, bullying, gender stereotypes, sexism and violence against women. It provides schools and teachers detailed guidance on how to deal with and prevent racist incidents and can be

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adapted to the specific needs of the school. The Antiracist policy also foresees the submission of an annual report of racist incidents, which in GREVIO's view provides precious data and insight capable of informing policies, including those related to gender-based violence.⁶² With a view to better implementing the Antiracist policy, the Pedagogical Institute has provided a dedicated support helpline, an information leaflet for **parents** in seven languages, training, the creation of a "school network" of 32 schools, through which school representatives can exchange experiences regarding the implementation of the policy, which can be considered as a very promising practice.

Commented [SV6]: Implemented. Ok.

Page 29, Paragraph 80 (our additions in text in red)

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

Commented [SV7]: Not implemented. Please add if possible.

Page 29-30, Paragraph 82-83 (see comment below)

The Department of Secondary Education of the Ministry of Education has implemented a Guide for Secondary Education teachers and deals with combating occupational segregation on the basis of gender. This guide is called "Actions for reducing the wage gap between men and women".

Commented [SV8]: Not implemented. Please add if possible.

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The Department of Secondary Education of the Ministry of Education has implemented in Secondary education schools the guide regarding the management of domestic violent incidents. This Guide is published by the Advisory Committee for the Prevention and Handling of Violence in the Family.

Point 82 at the end of the paragraph, please add the following sentence:

«Furthermore, in line with the obligation of mandatory training of teachers, the Ministry of Education is engaged in a discussion in the parliament in order to work towards passing a new law that extends mandatory application of sexual education of students in all levels of education (primary, secondary, technical).

Commented [SV9]: Not implemented. Please add if possible.

Page 32, Paragraph 93 (see comment below)

The Department of Higher Education of the Ministry of Education suggests that it will further contribute on this issue by distributing circulars and by making consultations with the Institutions of Higher Education which offer studies in journalism (bachelor's and/or master's degrees), for the inclusion of this parameter in their Curriculum.

General comment on the Report

Wherever the educational psychology services are mentioned in the text, it should be written with capital letters as follow: Educational Psychology Services

Office of the Law Commissioner
Gender Equality Committee in Employment and Vocational Training

In paragraph 2 it is stated "Finally, GREVIO notes that draft legislation and/or amendments are currently pending in the Parliament with a view to the possible introduction of the crime of femicide". On 22.07.2022, the bill that introduces femicide as a specific offense, was passed by the Parliament. (The Prevention and Fight against violence against women and domestic violence and related matters (Amendment) Law of 2022 (N.117(I)/2022).

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Regarding the proposals of GREVIO, in paragraph 19 (b), it is worth mentioning that following a decision of the Council of Ministers, the Law Commissioner was entrusted with the revision of the Refugees Law of 2000 (6(I)/2000). The new text that is being prepared will be fully aligned with the EU directives and will include provisions for dealing with vulnerable groups, including women with disabilities, etc.

Finally, with regards to paragraph 214 it is worth mentioning that in Cyprus the "Code of practice in the Public Service for the Prevention and combating of harassment and Sexual Harassment" already exists, while the Gender Equality Committee has already prepared a Guide on the prevention and combating of harassment and sexual harassment in the workplace, which will be distributed in 2023 to employers and services.

Advisory Committee for the Prevention and Combating of Violence in the Family

114 (page 41)

According to the Article 18 of the 2021 VAW law, social welfare services provide support services regardless of the victim's willingness to co-operate in criminal proceedings. Furthermore, according to the Article 35 of the 2021 VAW law, social welfare services carry out *an individual assessment of the victims needs*, only with the victim's written consent, otherwise they cannot.

Article 19 of the 2021 VAW law is based on Article 6 of the 51(I)/2016 Law on Victims' Rights, that states that the Social Welfare Services have the legal responsibility to provide the necessary information to the victim, not to take any other action. Therefore, the Social Welfare Services have no legal right to "inform the police accordingly" and this phrase should be amended to remove this provision.

Given that the Social Welfare Services can only carry out an individual assessment of the victim's needs (Article 35 of the 2021 Law) with the victim's written consent, they do not have the right to report the violence to the police without such consent. The ACPCVF has already identified this issue, and will submit a proposal for the amendment of Article 19 of the 2021 VAW law.

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149 (page 48)

As mentioned in the point 148, in addition to the 1440 helpline, the 1455 helpline run by the NGO Cyprus Family Planning Association provides information and support on sexual and reproductive health issues, including on sexual violence.

Also, the APHVF in co-operation with the "Hope For Children" CRC Policy Centre (HFC), they run together the European helpline 116111 addressed to children and teenager until 18 years old. Additionally, the APHVF again in co-operation with the "Hope For Children" CRC Policy Centre (HFC), they run together the European helpline 116 000 for missing children.

Given that there are several helplines in operation run by several NGOs, we believe that the recommendation to expand existing helplines to cover all forms of violence covered by the IC should not be limited to the expansion of the 1440 helpline. The recommendation should provide the opportunity for the state to support other entities interested in operating helplines, specializing on specific forms of violence such as FGM, forced marriage, sexual violence and rape, and others. NGOs should be given the opportunity to provide such services based on specific criteria, in an effort to avoid monopoly of state funding.

Cyprus Radiotelevision Authority

Correction regarding the article and Regulation of footnote 79 on page 38: **Regulations 26(ib) and 24(2)(d) and (e)**, instead of Regulation 26 and 24(2).

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

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

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

81. See the state report, p. 25.