

# Cyprus

## EXECUTION OF THE EUROPEAN COURT OF HUMAN RIGHTS' JUDGMENTS MAIN ACHIEVEMENTS IN MEMBER STATES

The present survey presents short summaries<sup>1</sup> of a selection of the main reforms and achievements reported in final resolutions since the Convention system was amended in 1998 by Protocol No. 11, with a clear focus on recent reforms referring, however, also to important earlier developments.

In view of the wealth of cases closed, the selection concentrates on those which have led to changes of legislation or government regulations or the adoption of new policies or general guidelines from superior courts. As a rule, the survey does not cover information on measures aiming at providing individual redress to applicants.

The presentation is organised country-by-country and reforms are, in principle, presented in the order corresponding to the thematic domains used in the Council of Europe's specialised database HUDOC EXEC and the Committee of Ministers' Annual Reports on the Supervision of the Execution of the European Court of Human Rights' judgments.

Many reforms address issues which appear to be on-going challenges in the member State. The effects of reforms adopted at one point in time may thus need to be monitored and possibly re-evaluated as conditions change.<sup>2</sup>

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<sup>1</sup> The summaries are the sole responsibility of the Department for the execution of the judgments of the European Court of Human Rights.

<sup>2</sup> The presentation is limited to the information provided at the time of the adoption of the final resolution. It is recalled in this context that the Committee of Ministers has issued [Recommendation \(2004\)5](#) on the verification of the compatibility of draft laws, existing laws and administrative practice with standards laid down in the European Convention on Human Rights.

► *Positive obligation to protect the right to life and combat human trafficking*

Criminalisation of human trafficking following the adoption of a law in 2007 and the introduction of changes in the relevant visa regime, including the abolition of the "artist" visa for third country nationals, to avoid abuse.

Rantsev (25965/04)  
[Final Resolution](#)  
 CM/ResDH(2017)95

► *Actions of security forces and effective investigations*

In August 2002, right to legal aid in civil as well as criminal proceedings was granted to victims of human rights violations, including relatives of persons who allegedly died as a result of a serious police abuse.

Egmez, Denizci and Others  
 (30873/96, 27207/95)  
[Final Resolution](#)  
 CM/ResDH(2006)13

► *Ill-treatment and effective investigations*

The system for investigating complaints of ill-treatment by police officers has been significantly improved in terms of independence, promptness, and quality. In June 2014, the Attorney General issued binding instructions to the Chief of Police on the procedure to be followed in cases of alleged ill-treatment. In August 2022, a new police order (written protocol) was issued on the cooperation between the police and the Independent Authority for the Investigation of Allegations and Complaints against the Police. Regarding the medical examination of alleged victims of ill-treatment, in 2017 the Law ratifying the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment was amended to ensure forensic medical examination is carried out in accordance with the Istanbul Protocol. Measures were also taken to prevent ill-treatment by police officers, in particular the Chief of Police's regular zero tolerance messages, an amended 2016 Police Code of Ethics and multiple trainings and capacity building activities.

Khani Kabbara (24459/12)  
[Final Resolution](#)  
 CM/ResDH(2022)348

► *Conditions of detention*

➤ *Alleged ill-treatment in prison*

In 2014, an internal investigation procedure was introduced to establish the facts in cases of alleged ill-treatment by prison guards and to attribute responsibility and disciplinary action. In parallel with the internal investigation, the matter shall be reported to the police for a criminal investigation.

Seagal (50756/13)  
[Final Resolution](#)  
 CM/ResDH(2020)311

► *Lawfulness of asylum seekers' detention*

On 4 February 2021 the Law Providing for the Establishment and Operation of the Administrative Court introduced a remedy with automatic suspensive effect when, outside of asylum proceedings, an individual alleges that his or her expulsion would violate Articles 2 and/or 3 of the Convention.

M.A. (41872/10)  
[Final Resolution](#)  
 CM/ResDH(2024)42

► *Functioning of justice*

➤ *Remedies against excessive length of proceedings*

An effective remedy in excessively lengthy civil and administrative proceedings was provided by specific legislation in 2010.

Gregoriou (62242/00)  
[Final Resolution](#)  
 CM/ResDH(2013)154

➤ *Contempt of court*

Kyprianou (73797/01)  
[Final Resolution](#)  
 CM/ResDH(2015)47

To ensure impartiality, the Courts of Justice Law was amended in 2009 so that cases of contempt can no longer be tried by the court in the face of which the alleged contempt was committed, but by a separate court.

➤ *Right to marry*

A law of 2002 ensured that members of the Turkish Cypriot community are allowed to marry on the same conditions as Greek Cypriots.

*Selim* (47293/99)  
[Final Resolution CM/ResDH\(2003\)49](#)

➤ *Protection against discrimination*

➤ *Displaced persons*

Following a legislative amendment in 2013, children of displaced women following the Turkish military intervention in 1974 have also been recognised as a “displaced person” putting them on an equal footing with children of “displaced men”, inter alia with regard to housing assistance.

*Vroutou* (33631/06)  
[Final Resolution CM/ResDH\(2017\)2](#)

➤ *Sexual orientation*

Sexual relations between men over 18 years were decriminalised.

*Modinos* (15070/89)  
[Final Resolution CM/ResDH\(2001\)152](#)

➤ *Protection of property rights*

A reform was undertaken to prevent significant delays between publication of the notice of acquisition of property and the payment of compensation for compulsory acquisition; the awarded compensation must represent the market value of the property at the time of deprivation rather than at the time of notice.

*Michael Theodossiou Ltd* (31811/04)  
[Final Resolution CM/ResDH\(2016\)5](#)

➤ *Electoral rights*

The Law on “the exercise of the right to vote and to be elected by members of the Turkish community with habitual residence in free territory of the Republic” from February 2006 granted Turkish Cypriots the right to vote in parliamentary elections in 2006.

*Aziz* (69949/01)  
[Final Resolution CM/ResDH\(2007\)77](#)