

Committee of the Parties
to the Council of Europe Convention
on Action against Trafficking in Human Beings



CP(2022)04

**Report submitted by the authorities
of Cyprus
on measures taken to comply with
Committee of the Parties Recommendation
CP/Rec(2020)04 on the implementation
of the Council of Europe Convention
on Action against Trafficking in Human Beings**

Third evaluation round

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RECOMMENDATION CP/Rec (2020)04 on the implementation of the Council of Europe Convention on against Trafficking in Human Beings - - CYPRUS

CYPRUS RESPONSE TO THE REPORT'S MEASURES TAKEN TO IMPROVE THE IMPLEMENTATION OF THE CONVENTION

10th June, 2022

1. Recommendation in paragraph 46 of GRETA's report:

The Government is currently examining different options to establish formal cooperation with NGOs through a Protocol of Cooperation or funding agreement, who can provide legal counselling to victims through a lawyer or a person that has received legal training.

In general, according to article 32(1) of Law 60(I)/2014, the Police during the first contact with the victims, provide detail information on a language they understand, with the assistance of interpreters when necessary, regarding the protection of their interests, which include:

- information relating to the different kind of services they can obtain or organizations to which they can turn to for support in relation to legal or other matters;
- the kind of support available with regards to criminal proceedings;
- the procedure of lodging a complaint against the offender;
- the procedures following the complaint and their role as victims in the context of those proceedings;
- how and under which conditions can they enjoy protection;
- to what extent and under what conditions they have access to legal advice or legal aid or advice of any other kind.

It is noted that, victims receive immediate financial support, psychological and social care and assistance, including housing, if required, etc, as provided for in the legislation.

2. Recommendation in paragraph 65 of GRETA's report:

According to Article 35, Law 60(I)/2014, victims of trafficking have the right to compensation against a person found to be responsible for criminal offences committed against them. Therefore, this right of action, as defined in article 35, as a prerequisite the commission of an offence in order for the person (complainant) to be characterized as a victim under the aforementioned law. Whether or not a criminal offence has been committed is a matter for the Criminal Courts to decide. In the absence of a criminal conviction the potential victim would not be entitled to file any lawsuit under Article 35 of Law 60(I)/2014.

Notwithstanding the foregoing, a potential victim of trafficking (in the sense that his/her case has not been proven at a Criminal Court) reserves the right to file a claim for damages at any time on the basis of any other cause of action and on the basis of any other law or regulation, beyond Law 60(I)/2014. A potential victim may do so even before or during the commencement of any criminal proceedings and may file a lawsuit for violation of his or her human rights under the Constitution of the Republic of Cyprus, or base his or her lawsuit on a civil offense set forth in the Civil Offenses Law Chapter 148, for example in civil offenses of assault and unlawful detention.

Regarding the compensation of the victims in the criminal proceedings, we note / or explain the following:

In accordance with the provisions of the Courts of Justice Law 14/60, Criminal Courts have power to order, the payment of compensation, in addition to or in substitution for any other punishment/sentence. Specifically, the jurisdiction of the Assize Court to order the payment of compensation is limited to €10,000 and that of the District Court – exercising criminal jurisdiction – to €6,000. Therefore, there is statutory limit on the amount of compensation that may be imposed by criminal courts. Furthermore, any amount paid by an accused under a compensation order will be deducted from any subsequent civil award.

It is not within the jurisdiction of the criminal court to determine the amount of compensation. Therefore, for a compensation order to be issued by a Criminal Court, the amount must be clearly defined, either as a proven fact from the evidence adduced or as a result of the agreement of both parties (prosecution and defense). The criminal Court, in practice, will order the payment of compensation if the amount is not very large and is agreed between the parties. In any other case, the criminal court will not issue an order for compensation, thus the complainant may be free to pursue his civil remedy, if he will so decide. Additionally, in cases where there is a conviction, the Cyprus Financial Intelligence Unit, (MOKAS), can proceed with a forfeiture order. Where there are identified victims, the confiscated amount is in principle used to compensate the victims.

Notwithstanding the above, meanwhile the previous evaluation by GRETA, there have been two cases in which sums of money have been confiscated and or have been given as (part of) compensation to victims of trafficking. Specifically:

(1) In Criminal Case 4968/21 which concerned, inter alia, offences of trafficking in persons, sexual exploitation and money laundering (i.e. trafficking), sums of money found in apartments which were in fact rented by the accused, were confiscated to be deposited to the Victims of Trafficking and Exploitation Fund, and,

(2) In Criminal Case 13490/20, which concerned trafficking in persons for the purpose of labor exploitation of two victims of trafficking from Nepal, the victims were compensated for their unpaid salaries by the first accused, who - at the time in question- was their employer. Specifically, with the consent of the defence, before the stage of sentencing, the first defendant compensated the two complainants for their accruals. This action – i.e. the compensation of the victim's accruals by the first accused - will not be depriving in any way the right of the two complainants to file a claim for damages for any other matters other than the matter of their accruals.

The Ministry of Interior as the National Coordinator maintains a budget line, which serves for any claim that might arise by a victim for compensation.

According to article 61 of Law 60(I)/2014, in the Victim Support Fund all revenues derived from the implementation of article 20, as well as from sponsorships, contributions, donations and bequests shall be deposited. This Fund shall allocate its resources in:

- (a) providing compensation to victims when, for whatever reason cannot be compensated by the perpetrators of the offenses committed against them;
- (b) subsidizing programs to provide assistance, support and legal aid to victims;
- (c) subsidizing prevention and information programs relating to trafficking in human beings.

Currently, the budget line in concern, serves the purpose of the Fund and has 15.000 Euro.

Furthermore, a Technical Committee consisting of representatives from the Ministry of Labour and Social Insurance, the Ministry of Interior and the Social Welfare Services met to discuss ways in order to examine the possibility of providing state compensation in the form of a fixed amount (lump sum) to all victims, following the criminal procedure. In this regard, the Technical Committee has discussed the possibility of establishing an institutional framework to define criteria for granting compensation to victims, as a lump sum based on the victim's circumstances, possibly considering other benefits / compensations received by the victim, and on the basis of the reports to be prepared by the competent Services.

3. Recommendation in paragraph 132 of GRETA's report:

During criminal proceedings, victims of trafficking (including children) are considered witnesses, entitled to protection measures according to the Witness Protection Law, L.95(I)/2001. Several measures can be implemented by the Court during trial after the submission of the prosecution, depending on the needs of the victim. These concern, for example, the conduction of the trial behind closed doors, the placement of a partition in the court room, the use of

CCTV, as well as the use of any means or systems that will ensure that the victim does not have any direct eye-contact with the defendant(s). During trials all victims/witnesses are accompanied by police officers..

The best interest principle is of primary consideration in all actions and procedures concerning trafficked children. All statements of children as victims or witnesses are video-recorded and taken by trained police members on video-recording statements. Cyprus police has specialized police officers who take video recorded statements from children in child-friendly rooms, in order to avoid as far as possible, the cross-examination of children victims of THB.

During the criminal proceedings, the children's video-recorded statements are presented in court, as part of their testimony, and their oral testimony is contacted via teleconference while the children are in a different room. Courts have the statutory power to use the Children's House for child testimony during trial through a teleconferencing system. The Children's House adopts a multidisciplinary approach in a child friendly environment, while all services (forensic interview, medical/psychological/social services) are provided under one roof, ensuring that the best interests of the child are of primary consideration.

When video-recording statements are admitted to the Court, the prosecution is not allowed to ask children questions in relation to any matter which, in the opinion of the Court, has been dealt with adequately in their video-recording statement.

Prior to children's testimony before the Court, children have the support and proper preparation by psychologist and the prosecution.

About the protection of child witnesses by the Court, the Court may intervene during cross examination and give such directions as it deems necessary to avoid intimidation from hostile or intense ways of questioning or from questions that may infer any kind of threat.

Further to the above, the Government is now examining together with the Supreme Court, the possibility to limit the scope of cross-examination of children with the adoption of relevant Procedural Regulations by the Supreme Court, based on article 21 of the Witness Protection Law [Law 95 (I) / 2001].

Lastly, it should be mentioned that members of the Anti-trafficking Police Office in co-operation with the Social Welfare Services and other police departments participated on 5-11/10/2020 and on 28/6-4/7/2021 in Joint Action Days organized by Europol in the framework of Empact THB Child Trafficking, where 14 unaccompanied children have been interviewed.

4. Recommendation in paragraph 173 of GRETA's report:

On July 2021 the Deputy Ministry of Social Welfare was established upon an aim, among others, to holistically address the serious issue of trafficking in human beings through a multidisciplinary and coordinated approach in order to enable the development of a set of policies and actions to support victims of trafficking and exploitation.

In order to safeguard and respect the rights of victims of trafficking, the Social Welfare Services of the Deputy Ministry of Social Welfare, focuses on providing support and protection services to victims. All victims receive immediate support and assistance, including accommodation. Furthermore, victims are entitled to financial, psychological, and social support, which they receive from the government, in cooperation with non-governmental organizations.

During 2021, the Social Welfare Services assisted 104 potential and recognized victims of trafficking, implementing individualized assistance and support measures for all the victims. It is estimated that the SWS have granted the total amount of €45.000 to victims of trafficking for immediate financial support (Article 11 of the Guaranteed Minimum Income Law). Also, twenty-eight (28) victims were accommodated at the government shelter.

It should also be noted that the Social Welfare Services signed a protocol of cooperation with the NGO Cyprus Stop Trafficking for the handling, support and protection to victims of trafficking. Also, two NGO's (Cyprus Stop Trafficking and Wellspring Association), are funded by the government for housing programs, through which female and male victims of trafficking can be accommodated.

It is also important to mention that in close cooperation with the Anti-Trafficking Police Unit and the Attorney General Office, the Social Welfare Services are

closely monitoring, supporting and protecting victims of trafficking during the court procedure, covering all their basic and special needs (travelling expenses, accommodation, personal and other expenses, etc.). Victims of trafficking are monitored individually through a personal care plan prepared by the Social Welfare Services with the contribution of other Services. The evaluation and the progress of the cases are discussed within the context of multidisciplinary meetings between the relevant Services.

In January 2022, the Ministry of Justice & Public Order and the Deputy Ministry of Social Welfare signed a Memorandum of Cooperation between the Police and the Social Welfare Services for the referral, handling, protection and briefing of potential and recognized victims of trafficking. The Memorandum is particularly important because it supports the government's efforts to effectively combat trafficking and to protect the victims. It systematizes and promotes the cooperation of the two sides. At the same time, it strengthens the framework for the protection and support of the victims.

The Memorandum clearly defines the responsibilities and obligations of the two sides regarding the referral and briefing of the victims of trafficking. The actions to be taken by the competent services for their identification, specialized evaluation, strengthening and support, in conditions of security and trust, both during the process of identification of victims and during the trial of a trafficking case, are systematically recorded, until the return of the victims to their countries of origin. The Memorandum also includes special provisions for the treatment of minor victims.

Since October 2020, through a European co-funded project, the Social Welfare Services have employed forty-two (42) Social Welfare Officers for the handling of asylum seekers, including unaccompanied minors. A number of them have been placed at the Receptions Centers ('Pournara' and 'Kofinou') to address asylum seekers needs, including identification and monitoring vulnerable people. In May 2021 through the same program, nine (9) Institutional Officers have been placed at the Reception Centre 'Pournara' and are working on 24-hour basis, in order to meet the needs of unaccompanied minors.

The Social Welfare Services re-evaluated staff needs and have received approval for a new project under the EU Asylum, Migration and Integration Fund (AMIF) for the employment of additional fifty (50) Social Welfare Officers for the handling of asylum seekers, unaccompanied minors, vulnerable people including potential and identified victims of trafficking and twenty six (26) Institutional Officers. On 1st of June 2022 the staff has been employed and the newly appointed Social Welfare Officers are currently being trained on issues related to Applicants of International Protection and unaccompanied minors, including training on the Refugees Law 2000-2020 and the procedures of covering Material Reception Conditions and assessment of vulnerable people.

The integration for trafficking, is important, . thus the Social Welfare Services have proposed the recruitment of two professionals (psychologist and social worker), who will provide social rehabilitation services to the female victims of trafficking of the state shelter, based on an assessment of the individual needs of the victim, including a person centered supporting program through education and training (e.g Greek lessons, social skills, access to work), assistance in finding permanent residence, support for repatriation, procedures for reconnection with their family and their social environment and counselling guidance/support to these victims for a period of 3-6 months after their exit from the shelter.

Based on the Decision of the Council of Ministers dated 07/04/2022, the weekly allowance provided to the victims of trafficking who stay at the state shelter has been increased from €17 to €25 per week.

5. Recommendation in paragraph 178 of GRETA's report:

The Ministry has drafted an amending bill that streamlines the process of granting the reflection period when there are reasonable grounds to believe that a person is a victim of human trafficking. This concerns a series of amendments that have been drafted, for which lengthy consultations were needed, and will soon be submitted to the Parliament.

In practice, the procedure concerns the Police granting a reflection period to presumed victims and at the same time informs the Migration Department to proceed with issuing a residence permit for one month, subject to renewal.
