

**NGO Joint Submission
By the Cyprus Refugee Council,
Mediterranean Institute of Gender Studies,
Caritas Cyprus**

**For the Human Rights Committee Session on Cyprus
CCPR Session 138**

[CYPRUS]

I. Background Information:

Since the last Review of the Republic of Cyprus, the submitting organizations have observed certain positive developments in the respective field. However, a substantial number of issues and challenges still remain and demand further attention both at the legislative and policy levels as well as in practice and implementation.

The present joint Submission has been drafted by a consortium of organizations that are active in Cyprus in the areas of asylum, migration and gender.

Cyprus Refugee Council – The Cyprus Refugee Council (CyRC) strives to safeguard, support and advocate for the rights of vulnerable groups in Cyprus, promoting their effective integration into the host society. Focusing on refugees, asylum seekers, detainees, trafficking victims and survivors of torture, CyRC works closely with the local society in order to provide quality services at the individual, community and policy level.

The Mediterranean Institute of Gender Studies (MIGS) - The Mediterranean Institute of Gender Studies (MIGS) was founded in 2000 by a group of researchers, academics and gender equality practitioners and it is based at the University of Nicosia. Combining research, training, and advocacy MIGS promotes women's rights and gender equality in public policies in Cyprus, and the Euro-Mediterranean region. As a leading organization that contributes to social change at various levels MIGS provides a range of specialized services for the development of gender equality plans, strategies and mainstreaming and gender-impact assessments towards the achievement of gender equality and equity in decision-making centers and help make equality a political priority gender in research, innovation, and sustainable development. www.medinstgenderstudies.org

Caritas Cyprus – Caritas Cyprus is grassroots, non-profit association focused on reducing poverty, social exclusion and inequality by addressing local community needs, empowering youth and supporting the vulnerable. While part of the global Caritas Internationalis confederation, in Cyprus, CCy currently serves about 5,000 families a year, implements projects in areas such as emergency shelter, health, education, and job readiness, and runs volunteer and internship programs that promote civic engagement, environmental awareness, and integration.

I. Non-discrimination, gender equality and prohibition of advocacy of national, racial or religious hatred (arts. 2, 3, 20, 24 and 26)

4. In relation to the previous concluding observations (para. 6), please provide information on any measures taken during the reporting period to ensure that nationality legislation is not applied in a discriminatory manner and that decisions on applications for citizenship are issued within a reasonable period of time. Please also report on measures taken to ensure that children born in the State party to parents who are beneficiaries of international protection, asylum seekers or are stateless themselves, can enjoy their right to acquire a nationality.

During the reporting period no measures have been taken to ensure that nationality legislation is applied in a non-discriminatory manner, on the contrary discriminatory policies/practices have increased. Decisions are not issued in a reasonable time and there are no measures to ensure children born in the State party to parents who are beneficiaries of international protection, asylum seekers or are stateless themselves, can enjoy their right to acquire a nationality.

Cyprus has not taken measures to prevent and reduce statelessness nor taken steps to implement the recommendations made by several UN Treaty Bodies. Its nationality laws are discriminatory and have a particular impact on certain ethnic groups. The lack of safeguards in law to prevent childhood statelessness result in a failure to respect and fulfil children's right to a nationality, resulting in many children growing up stateless in Cyprus.

Regarding naturalisation for Beneficiaries of International Protection (BIP) this has always been problematic, as the procedures are extremely slow and lack transparency, furthermore BIPs are not facilitated in any way other than being able to apply after completing 5 years instead of 7 years of stay as is the case for other TCN. Furthermore, children are not naturalised when born in the country, under any circumstances, which limits access further. In 2021, 11 BIPs were granted citizenship and in 2022, 27 BIPs were granted.

It was also noted that although the requirements for nationality do not include financial criteria, an applicant's financial situation is a primary consideration. Also, if the person is a recipient of state benefits, including persons with special needs, disabilities, and survivors of torture and trafficking etc, they will most probably be rejected. In the decision it is cited that they are a 'burden on the state'.¹ In 2021, 2022 and early 2023 a rise in the rejection rates regarding applications for nationality by holders of international protection - all persons living in the country for periods of well over 10 years – was noted. Such cases included young adults that were born or grew up in Cyprus, completed public education and speak fluent Greek. Justification included the fact that their parents had or were receiving state support, even if the applicants involved were not; single persons were rejected, and the justification mentioned the fact that they had no sufficient ties to the country as they had not formed families. In other cases, the applicant was found to be of non-good character, although they had submitted a clean criminal record as required and the finding of non-good character was based on reports supposedly provided by the Central Intelligence Service but with no evidence to support this and no access to such reports.

Regarding the time required to examine applications for citizenship these are still lengthy and in most cases will take on average 3-4 years. Indicatively, the applications submitted in 2020 are currently under examination, which requires several months to be concluded.

There are also discriminatory provisions in the acquisition of nationality of children through *ius sanguinis*. Where a child is born in Cyprus to a Cypriot and a non-Cypriot who entered or remained in Cyprus irregularly, the child does not acquire nationality unless the Ministerial Council orders otherwise. This discriminatory condition has been usually applied in cases of mixed marriages between Turkish Cypriots and Turkish settlers (or other non-Cypriots). While in practice many of these children may not be stateless as they can acquire Turkish citizenship, there are increasing reports of cases where there may be obstacles to acquiring Turkish nationality for the child that may result in statelessness. According to reports, the number of people denied Cypriot nationality ranges from 6,000-10,000.²

This condition is also increasingly applied to children of Cypriots of Greek ethnic origin, who have children with non-Cypriots who entered or remained irregularly in the country including asylum seekers or international protection holders who may have entered irregularly when they first arrived or at some point stayed irregularly..Such children will remain non-Cypriot nationals unless the Ministerial Council orders that they are nationals. In cases where the third country national cannot pass on their own nationality, which is often the case for BIP or

¹ Ibid.

² Dialogos, 'Children of Turkish Cypriot mixed marriages await recognition – The road is long and arduous' (30 April 2022), at: <https://dialogos.com.cy/paidia-eikton-ga-on-toyrkokyprion-peri-enoyntin-anagorisi-makrys-kai-epiponos-o-dromos>

asylum seekers, as they cannot access the authorities of the country either due to fear of persecution or administrative obstacles as there are very few countries have embassies/consulars in Cyprus, the child is stateless until the Ministerial decision granting Cypriot nationality. In light of this practice a growing number of children that have a right to Cypriot citizenship are currently stateless.

In recent years the cases that require the approval of the Ministerial Council to acquire nationality are all on hold with extremely few exceptions.

With regard to statelessness,³ Cyprus is not State Party to any of the four core conventions.⁴ There is very little reliable data on the stateless population. Although statelessness is referenced in Cypriot law and may be identified in certain administrative procedures, there is no definition of a stateless person, no dedicated statelessness determination procedure, and no statelessness protection status. Stateless people who are also refugees may receive international or subsidiary protection, but all other stateless people have very limited routes available to regularize their stay in the country and receive protection, which puts them at risk of serious human rights violations.

There are few safeguards to prevent and reduce statelessness in Cypriot nationality law. There is no facilitated route to naturalisation for stateless people in Cyprus and there are no specific provisions to protect the right to a nationality of children born to refugees in Cyprus. There is no safeguard to prevent children being born stateless in Cyprus.

There are also no safeguards to prevent statelessness in cases of deprivation of Cypriot nationality. Although these issues were raised by the UN Committee on the Rights of the Child in its latest Concluding Observations to Cyprus, there has not been any significant progress.⁵

5. With reference to the previous concluding observations (para. 7), please provide updated information about measures taken and progress made with regard to: (a) preventing and eradicating all forms of discrimination, including against Turkish Cypriots, Roma, migrants and lesbian, gay, bisexual, transgender and intersex persons; (b) tackling racist stereotypes and hate speech in the public sphere; (c) facilitating and

³ This section partially draws on information and analysis from ENS's Statelessness Index, which covers Cyprus. See ENS, Statelessness Index: Cyprus: <https://index.statelessness.eu/country/cyprus>.

⁴ The four core statelessness conventions are the 1954 Convention relating to the Status of Stateless Persons; 1961 Convention on the Reduction of Statelessness; European Convention on Nationality (ECN), 1997; Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession (CASRSS), 2006. Cyprus received recommendations from several States and UN Human Rights Treaty Bodies to ratify the core statelessness conventions, some of which were accepted by Cyprus. See, e.g., Human Rights Council (HRC), Report of the Working Group on the Universal Periodic Review, Third Cycle, 41st session, 5 April 2019, A/HRC/41/15, paragraphs 139.2, 139.15, 139.14, 139.16, 139.12, 139.14, 139.13, 139.98; Committee on the Elimination of Discrimination against Women (CEDAW), Concluding observations on the eighth periodic report of Cyprus, 25 July 2018, CEDAW/C/CYP/CO/8, paragraph 33(b); Committee on the Elimination of Racial Discrimination (CERD), Concluding observations on the combined twenty-third and twenty-fourth periodic reports of Cyprus, 2 June 2017, CERD/C/CYP/CO/23-24, paragraph 28; Committee on the Rights of Persons with Disabilities (CRPD), Concluding observations on the initial report of Cyprus, 8 May 2017, CRPD/C/CYP/CO/1, paragraph 16(d); Committee on the Rights of the Child (CRC), Concluding observations on the combined fifth and sixth periodic reports of Cyprus, 24 June 2022, CRC/C/CYP/CO/5-6, paragraph 21(c); CRC, Concluding observations on the combined third and fourth periodic report of Cyprus, adopted by the Committee at its sixtieth session (29 May–15 June 2012), 24 September 2012, CRC/C/CYP/CO/3-4).

⁵ Committee on the Rights of the Child, Concluding observations on the combined fifth and sixth periodic reports of Cyprus, CRC/C/CYP/CO/5-6, 24 June 2022, paragraph 21.

encouraging the reporting of cases of discrimination, including by raising awareness about anti-discrimination laws among the general population; and (d) investigating reports of hate crimes, bring perpetrators to justice and provide reparations to victims. In addition, please provide statistical data for the reporting period on the number of cases of discrimination received, investigations carried out and their outcome, and reparations provided to victims. Please also clarify whether national legislation explicitly addresses and prohibits multiple discrimination and provide information about activities carried out by the Anti-Discrimination Body and the Equality Authority during the reporting period and their impact.

Limited progress has been noted in these areas whereas further measures are required to prevent and eradicate all forms of discrimination. These issues are detailed in the recent ECRI Report on Cyprus⁶, and special reference is also made in the baseline report of the GREVIO⁷.

6. In connection with the previous concluding observations (para. 8), please provide updated information on the implementation and results of measures, including temporary special measures, to:

(a) Increase the representation of women in political and public life, particularly in high-level decision-making positions. Please include updated statistical information;

(b) Increase the participation of women in all stages of the peace process, including in decision-making, and to ensure the inclusion of a gender perspective in the negotiations, in line with Security Council resolution 1325 (2000) on women, peace and security. Please include information about the work of the technical committee on gender equality, including the impact of its recommendations, and progress made in adopting the first national action plan on women, peace and security (2019–2022), which was being prepared by the commissioner for gender equality;

(c) Close the wage gap between men and women for work of equal value, in both the public and private sectors. In this respect, please include information about implementation of Law No. 177 of 2002 on equal pay between men and women for the same work or for work of equal value.

Women in Cyprus remain largely excluded from decision-making and leadership positions, especially in public and political life.⁸ In the May 2021 parliamentary elections, only 8 women, out of 56 representatives, were elected.⁹ According to the 2022 EU gender equality index, only 25% of Ministers, 14.3% of Members of Parliament and 15.3% of members of regional assemblies are women.¹⁰ Overall, there is a lack of political will, on the level of the government as well as political parties, to promote gender mainstreaming in policy processes and adopt positive action measures, including quotas, in line with article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women.¹¹

⁶ <https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/-/cyprus-work-access-for-asylum-seekers-is-improved-and-the-hate-speech-ban-in-parliament-welcomed-but-problems-remain-says-anti-racism-commission-in-new-report>

⁷ CoE, Cyprus Baseline Report: <https://rm.coe.int/grevio-inf-2022-29-cyprus-report-for-publication-eng-for-publication/1680a91c5b> .

⁸ Cyprus Women's Lobby shadow report to CEDAW (2018) p11.

⁹ Kofou, E., Kouta, C., Pavlou, S., Shakou, A. (2021). Country report on femicide research and data: CYPRUS. Nicosia: Mediterranean Institute of Gender Studies.

¹⁰ EIGE, 2022: <https://eige.europa.eu/gender-equality-index/2022/domain/power/CY> .

¹¹ Cyprus Women's Lobby shadow report to CEDAW (2018) p11.

In the economic sphere, Cypriot women still earn on average 10.2% less than their male counterparts.¹² Women's employment rate is still at 70.1% compared to 81.7% for men, and women's part-time employment rate is nearly twice men's, making Cyprus one of the most gender-segregated countries in employment in the EU.¹³

In 2020, Cyprus adopted its first NAPWPS for 2021-2025.¹⁴ As women have historically been under-represented in the peace-process negotiations on both the Greek Cypriot and the Turkish Cypriot sides,¹⁵ [...]. Women's underrepresentation in the peace-process is an example of a broader struggle for women's access justice in Cyprus where they face gender stereotypes and deeply rooted sexist attitudes.¹⁶ These barriers are even higher for particularly disadvantaged groups such as migrant women, women with disabilities¹⁷, LBT women,¹⁸ and Turkish Cypriots¹⁹ as intersectional discrimination is overlooked at all levels of the criminal justice and political system in Cyprus.²⁰

The lack of political will to address gender-based and intersectional discrimination in Cyprus translates into the general lack of data available on women in decision-making and in the peace-process.²¹ It is impossible to combat discrimination and promote gender equality in policy and practice without comprehensive and disaggregated statistics allowing Cypriots, including decision-makers, to grasp the extent of this problem.

II. Right to life, prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and domestic violence (arts. 2, 3, 6, 7 and 26)

8. With reference to the previous concluding observations (para. 16), please provide information relating to the reporting period on measures taken and progress achieved to effectively prevent and combat domestic violence, including measures to: (a) encourage and facilitate reporting of cases of domestic violence, including among foreign nationals; (b) address the root causes of the low prosecution and conviction rates and ensuing lenient penalties for cases involving domestic violence; (c) provide sufficient and adequate victim support services, including shelters and sexual violence support centres, throughout the country; (d) provide periodic training to State officials, in particular judges, prosecutors and police officers, to ensure that they are able to respond effectively to all forms of domestic violence; and (e) adopt the bill criminalizing all forms of gender-based violence against women, which aims at fully integrating the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence into domestic law. Please also include statistical data relating to the reporting period, disaggregated by age, nationality and ethnic origin of the victim, on the number of complaints received by the relevant authorities with regard to domestic violence, investigations carried out and sentences handed down,

¹² Kofou, E., Kouta, C., Pavlou, S., Shakou, A. (2021). Country report on femicide research and data: CYPRUS. Nicosia: Mediterranean Institute of Gender Studies p19.

¹³ Kofou, E., Kouta, C., Pavlou, S., Shakou, A. (2021). Country report on femicide research and data: CYPRUS. Nicosia: Mediterranean Institute of Gender Studies p19.

¹⁴ https://www.wpsnaps.org/app/uploads/2022/12/Cyprus-NAP-2-2021-2025_greek_ENG-translation-Google-Translate.pdf.

¹⁵ CEDAW Shadow Report 2018- Joint NGO submission p13 and 61.

¹⁶ CEDAW Shadow report- Cyprus Women's Lobby (2018) p5. And MIGS Shadow Report to GREVIO (2021) p7.

¹⁷ MIGS submission to GREVIO 2021, p8.

¹⁸ CEDAW Shadow Report - Joint NGO submission (2018) p8-10, 52-53, 56, 62, 71.

¹⁹ MIGS Shadow Report to GREVIO (2021) p7-8.

²⁰ CEDAW Shadow Report - Joint NGO submission (2018) p43 and 50.

²¹ All reports highlight a lack of data.

indicating whether they resulted in acquittal or conviction, and on reparation provided to victims.

The assessment carried out in 2022 by the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO)²², highlights numerous positive legal and policy measures that have been taken by the Cypriot authorities following Cyprus's ratification of the Istanbul Convention.²³ These positive developments include: the passing of Law 115(1)/2021 on the Prevention and Combating of Violence against Women and Domestic Violence and Related matters, criminalising different forms of violence against women, the adoption of amendments to the definition of rape with a view to aligning it more closely to the convention, as well as the entry into force of the 2021 Law to Provide for the Protection from Harassment and Stalking and the 2020 Law on Combating Sexism and Sexist Behaviour. One of the many novelties under Law 115(1)/2021 on the Prevention and Combating of Violence against Women and Domestic Violence and Related matters is, for example, the criminal and civil liability of a legal person for the commission of a violence against women offence, under certain conditions, thereby fostering greater accountability of employers in ensuring a working environment that is free of gender-based violence against women, a characteristic that goes beyond the provisions of the convention. Equally important is the criminalisation, under the latter law, of forms of sexual and gendered online harassment such as sexual images/videos taken without consent and disseminated online.

Other important measures described in the report include the setting up of the Women's House, a multi-agency and multi-professional crisis centre that offers victims of domestic violence a complete range of support services all under one roof, 24 hours a day, and seven days a week. The report welcomes, in particular, the organisation, within the Woman's House of a mini-case conference involving a range of professionals that discuss individual cases and create a risk management plan for the victim, with a view of reducing the risk of secondary victimisation. The report also welcomes the setting up in March 2022, for the first time, of a fully institutionalised national co-ordinating body with dedicated resources, whose role will be to foster co-ordination between the relevant stakeholders, among its many tasks.

Finally, the report positively notes the setting up of specialised investigative units responsible for investigating cases of domestic violence and staffed with trained law enforcement officials, whose tireless work has been recognised to have led to an increase in the reporting of cases. Despite the above, GREVIO has observed in this report a number of issues where improvement is warranted in order to reach higher levels of compliance with the requirements of the Istanbul Convention.

In the area of protection, notwithstanding the requirement of Law 115(1)/2021 on the Prevention and Combating of Violence against Women and Domestic Violence and Related matters to provide adequate support for victims of sexual violence on the basis of robust protocols, the report points to the absence of a rape crisis or sexual violence referral centre capable of providing holistic and comprehensive support to victims of sexual violence/rape. It equally notes that currently forensic evidence can be lifted from the victim if she has reported

²² GREVIO is an independent human right monitoring body mandated to monitor the implementation of the Istanbul Convention. GREVIO's findings are based on the information obtained during the various steps of the first (baseline) evaluation procedure set out in Article 68 of the Istanbul Convention. These include written reports (a state report submitted by the Cypriot authorities and additional information submitted by the Mediterranean Institute for Gender Studies and the End FGM European Network) as well as a five-day evaluation visit to Cyprus. Full report available at: <https://rm.coe.int/grevio-inf-2022-29-cyprus-report-for-publication-eng-for-publication/1680a91c5b>.

²³ Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210): <https://www.coe.int/en/web/istanbul-convention/text-of-the-convention> .

the violence to the police, a requirement that is not in line with the convention.

At the time of the State Party report, the bill on the implementation of the Istanbul Convention into national law and a bill aiming to criminalize stalking and harassment were yet to be made law,^[1] and a new National Action Plan on the Prevention and Combating of Violence in the Family (NAPPCVF) was also still in the making. Despite adopting a new protocol on Risk Assessment of Intimate Partner Violence, the manual used to handle cases of domestic violence as provided in the Violence in the Family Law (L.119(I)/2000) has not been updated since 2002—and Cyprus did not provide any data on reporting among foreign nationals. More generally, data on Domestic Violence (DV) provided in the State Party report was limited to reported incident of domestic violence by type and complainants and accused of domestic violence by sex/age. In 2019, Cypriot authorities approved the opening of a one-stop-shop service specifically dedicated to women survivors of violence and their families, the “Women’s house” (WH). Since 2020, the WH is operated by the Association for the Prevention and Handling of Domestic Violence. The State Party report also mentioned sporadic trainings on domestic violence provided to police officers through EU programs or the Domestic Violence and Child Abuse Combatting Office.

In 2021, Cyprus passed the new Prevention and Combatting of Violence against Women and Domestic Violence Law (VAW Law 2021) to implement the Istanbul Convention. While it was drafted in consultation with CSOs, the government bypassed civil society in the final steps of the process and modified the final draft behind closed doors.²⁴ As a result of these last-minute changes, the Law encompasses definitions of women and gender conflating gender, gender identity and biological sex.²⁵ This is problematic as it allows the possibility to overlook intersectional discrimination in data-collection and the gendered nature of violence against women and girls in national policies and implementation practices.^[12]

Since historically DV and Violence Against Women (VAW) have been framed within the concept of violence in the family through the Violence in the Family Laws 2000 and 2004, there is a need to harmonize definitions of domestic violence as well as other provisions between these, in order to avoid creating a situation where survivors of DV are left without adequate protection.²⁶ This is particularly important given that during the first lockdown imposed in March and April 2021, there was a 30% increase in calls to the National Helpline for Violence in the Family (1440) and a 58% increase in incidents of DV.²⁷

Cyprus has recently passed a law on femicide under the Law on the Prevention, Protection and Combating of Violence against Women and Domestic Violence (Amendment) (No. 2) Law of 2021.²⁸ The law specifically defines femicide as the intentional killing of a woman because of her gender or in the context of intimate partner violence. This definition recognises that femicide is often motivated by gender-based discrimination and seeks to hold perpetrators accountable for the specific harm caused by gender-based violence. Additionally, the law foresees the establishment of a national database to track femicides and other forms of violence against women.

Specific forms of violence against women and girls such as rape and sexual abuse, or Female Genital Mutilation (FGM) are overlooked in policy and practice in Cyprus. None of the

²⁴ MIGS Shadow Report to GREVIO (2021) p6.

²⁵ Ibid, p.6.

²⁶ MIGS Shadow Report to GREVIO (2021) p6 and GREVIO baseline Cyprus report.

²⁷ Kofou, E., Kouta, C., Pavlou, S., Shakou, A. (2021). Country report on femicide research and data: CYPRUS. Nicosia: Mediterranean Institute of Gender Studies.

²⁸ <http://www.familyviolence.gov.cy/upload/20220303/1646318711-01559.pdf> .

National Action Plans mentioned above include specific actions to combat FGM²⁹ and to date, there are no rape crisis centers nor sexual violence referral centers in Cyprus.

Moreover, the Woman's House cannot operate effectively due to the inadequate funding the government provides it with, a difficulty compounded by the lack of cooperation from the police and social services to implement it. Overall, there is a lack of funding dedicated to combatting VAW and DV in Cyprus, including regarding funding for NGOs providing services to survivors, training of frontline professionals and wider awareness raising on gender stereotypes in education and in the media, which feeds the underreporting of DV cases in the country.

Overall, there is a lack of intersectional data collection on domestic violence at all levels in Cyprus.³⁰ This is problematic, as it impedes an in-depth understanding of the root causes but also the extent of these issues in Cyprus. The data gap can have dramatic consequences for women who reported domestic violence: as it is not possible to assess the number and type of protection orders, it is not possible to assess their effectiveness in protecting victims or in preventing further violence, including femicide.³¹

In Cyprus, there is fragmented implementation of measures to prevent and combat domestic violence across different government departments and services. The lack of coordination and communication among government bodies and services has led to a large number of initiatives and actions without any policy dialogue, involvement of women's organizations and NGOs, and often without specific objectives, impact indicators, funding allocation, follow-up or evaluation. The responsibility for implementing policies and measures on domestic violence rests with the competent state authorities by law, but the current coordinating body comprises members who work in a volunteer and advisory capacity without executive power or mandate to implement policies and measures on domestic violence. The Law on VAW 2021 foresees the establishment of a coordinating body that is accountable to the Minister of Justice and Public Order. However, the structure and composition of the coordinating body falls short of what is required by Article 10 of the Istanbul Convention. The coordinating body does not have the necessary government machinery or resources to carry out its mandate. Therefore, a government unit/department under the Ministry of Justice and Public Order with sufficient technical, human, and financial resources to carry out its mandate is needed.

12. With reference to the previous concluding observations (para. 13), please provide updated information about the implementation and results of measures to guarantee strict compliance with the principle of non-refoulement, including by ensuring that new evidence substantiating a risk of irreparable harm is thoroughly reviewed even when a decision on extradition, deportation or expulsion has already been adopted. Please also clarify whether the State party's legal framework provides for an effective remedy with suspensive effect to challenge decisions of extradition, deportation or expulsion.

a. Pushbacks – Violation of the principle of non-refoulement.³²

In 2020, the Cypriot authorities, for the first time, carried out push-backs of boats carrying mainly **Syrians, Lebanese and Palestinians** who had departed from Turkey or Lebanon.³³ In

²⁹ Joint MIGS/END FGM EU Network shadow report to GREVIO (2021) p8.

³⁰ MIGS submission to GREVIO (2021), p.11.

³¹ Kofou, E., Kouta, C., Pavlou, S., Shakou, A. (2021). Country report on femicide research and data: CYPRUS. Nicosia: Mediterranean Institute of Gender Studies. P36.

³² See AIDA, Cyprus 2022 available at <https://asylumineurope.org/reports/country/cyprus/>

total 9 push backs were carried out with one more attempt in December 2020, but due to damages the boat was eventually rescued.³⁴ The practice continued in 2021, with another 9 boats reported to be pushed back carrying mainly Syrian and Lebanese nationals as well as reports of 4 persons attempting to enter the areas under the effective control of the RoC and kept in the buffer zone.

In 2022, 40 boats arrived in the areas under the control of the Republic. Six boats were identified, all departing from Lebanon, that were intercepted by the Cypriot authorities, however there may be more cases of refoulement which were not identified or located. Four boats were reported to have been returned to Lebanon, carrying approximately 354 persons. It has also been reported that among them were three Syrians, who were eventually returned to Syria. The other two boats after being intercepted by the RoC continued the journey; one was reported to have reached Greece following the disembarkation of two people in Cyprus and the second was reported to have reached Turkey.³⁵

Pushbacks at land and specifically at the Green Line continued throughout 2022, as third country nationals are denied access to territories under the effective control of the Republic and to the asylum procedure when they try to cross from the official checkpoints. In December 2022 the Greek Cypriot police at the Ledra Palace checkpoint denied entry to two Turkish nationals of Kurdish origin seeking to seek asylum. The two persons remained stranded in the buffer zone since 15 December 2022 without support from the authorities; tents were supplied by UNHCR and food was supplied initially by foreign embassies and UNHCR and subsequently by UNFICYP.

Trafficking in persons (art. 8)

13. Please provide information about the measures taken in the reporting period to prevent, prosecute and eradicate human trafficking and the impact of such measures. Please include statistics, disaggregated by sex, age and country of origin of the victim, on the number of complaints of human trafficking received, the investigations conducted and their results, including sentences handed down to the perpetrators, and the number of trafficking victims identified, indicating how many of them received some form of assistance and/or reparation. Please also provide updated information on: (a) the status of implementation of the national action plan on trafficking and its impact; (b) steps taken to ensure that men, women and children victims of trafficking have access to adequate measures of protection, support and reparation, including rehabilitation; and (c) training activities for professionals involved in implementing the State party's measures against trafficking, including judges,

Details related to how Cyprus is working to combat trafficking in persons (including available statistics) are included on the European Commission's Migration and Home Affairs website³⁶ and in the annual Trafficking in Persons report prepared on Cyprus by the United States Department of State.³⁷

³³ Report of the United Nations Secretary General on the UN operation in Cyprus, available at: <https://bit.ly/3MrUfYl>.

³⁴ Further details on push backs carried out in 2020 and 2021, available in AIDA, Cyprus 2021

³⁵ Information provided by Cyprus Refugee Council

³⁶ https://home-affairs.ec.europa.eu/policies/internal-security/organised-crime-and-human-trafficking/together-against-trafficking-human-beings/eu-countries/cyprus_en#:~:text=In%202020%20%2C172%20individuals%20were,victims%20trafficked%20for%20sexual%20exploitation.

³⁷ <https://www.state.gov/reports/2022-trafficking-in-persons-report/cyprus/>

Cyprus has made some progress in raising public awareness with regard to trafficking in persons; in investigating allegations, including of labor exploitation; and in trying to improve its record in identifying victims and prosecuting perpetrators. However, the dramatic increase in the number of asylum seekers in the last few years has overwhelmed many of the offices and services involved, especially Social Welfare who has significant responsibility in the referral and support processes. As a result, it is possible that many asylum seekers who have experienced trafficking of some type (likely in the area of the island north of the dividing Green Line that is administered by the Turkish Cypriots) go unidentified or, if identified as potential victims, go unrecognized due to the circumstance or location of the reported crimes.

The Multidisciplinary Committee to Combat Trafficking in Persons convened by the Ministry of Interior meets periodically and includes all relevant government offices and services as well as three NGO members. The Committee is a useful forum to discuss related issues and inform policies as well as conceive of joint action. It does not however ensure a coordinated approach to particular cases where even recognized victims of trafficking fall through gaps in system intended to be supportive. This underscores the reality that there is no consistent victim-centered approach that ensures adequate support.

In examining these challenges, the COALESCE research reveals that integration policies and measures in Cyprus do not meet the specific needs of female victims of THB for sexual exploitation. This is because most integration policies are gender neutral – failing to take into account the different the gender-specific experiences and needs of the victims – and therefore risk being gender blind. This can be partially attributed to the lack of involvement of migrant and refugee women in the formulation of integration policy, which is weak and not effectively enforced. Access to affordable or subsidized childcare must be provided to women victims of THB irrespective of their residence status and help facilitate their active participation in the job market and access to other social integration opportunities.³⁸

There is no evidence that the National Action Plan on trafficking is being effectively implemented and its level impact. To ensure this, apart from signing memorandums of cooperation with relevant NGOs (2022), the government with related stakeholders need to operationalize the National Referral Mechanism (NRM) with: joint training, coordination structures of the NRM (e.g. multidisciplinary teams). From the NGO's perspective, the implementation of the NAP on trafficking requires also monitoring and evaluation based on quantitative and qualitative indicators to assess the quality of the services offered and the effectiveness of the NRM. The establishment of working groups and multidisciplinary groups ensure of implementation at the operational level. Even more importantly, initial and ongoing training activities for professionals involved in implementation of the NAP and NRM must be systematically implemented (including judges, police, and social welfare).

The concept of the National Referral Mechanism elaborated by the OSCE/ODIHR in 2004 includes the following recommendations that are relevant here:

1) This **multidisciplinary and intersectoral interaction** mechanism aims at providing modern processes for identifying victims and presumed victims of trafficking in human beings in order to ensure the protection of their rights to the necessary assistance,

38 Kaili, C. (2021) Mind the Gap Report: COALESCE for Support in Cyprus, A needs analysis for the integration of migrant female victims of trafficking for sexual exploitation/abuse. Available at: <https://medinstgenderstudies.org/launch-of-mind-the-gap-report-coalesce-for-supporting-female-third-country-national-victims-of-trafficking-for-sexual-exploitation/> (and Policy brief: <https://medinstgenderstudies.org/wp-content/uploads/2021/12/CY-COALESCE-POLICY-BRIEF-EN.pdf>)

including **repatriation assistance, crisis intervention**, support in physical and psychological **rehabilitation**, as well as **social reintegration**.

2) Each state must establish **its own model of the NRM**, which is to be based on principles, approaches and essential elements that are the same for all states but at the same time adapted to the social, political, economic and legal situation in the given country.

3) The following conditions are required for the effective organization and **coordination** of the actions of participating organizations in the NRM:

- Creating the necessary regulatory and legal framework;
- Common training and capacity building of professionals from all involved organizations;
- Creating deliberative coordination structures at different levels of the state administration;
- Communication development;
- Data collection and monitoring of joint work.

4) Civil society representatives should be involved in all processes within this mechanism, ensuring the **monitoring and evaluation** of each process from the human rights point of view.

5) The mechanism should be implemented and improved on the basis of a mutually agreed upon **action plan**, with the subsequent organization of its monitoring and evaluation in a cyclical process.

III. Liberty and security of person, treatment of persons deprived of their liberty and right to a fair trial (arts. 9, 10 and 14)

Freedom of movement (art. 12)

17. With regard to the previous concluding observations (para. 17), please report on efforts to open new crossing points and to facilitate access by residents of the northern part of the island to the southern part and the progress achieved. Please also clarify whether beneficiaries of international protection with resident permits issued by the State party are allowed to cross to the northern part of the island. In addition, please comment on allegations of instances where tourists with valid travel documentation have been detained and deported after indicating, upon arrival, that they intended to travel to the northern part of the island.

Beneficiaries of international protection with resident permits issued by the State party are not allowed to cross to the northern part of the island. According to the Refugee Law, residence permits for both refugees and subsidiary protection beneficiaries provide the right to remain only in the areas under the control of the Republic of Cyprus, therefore excluding beneficiaries from the right to remain or even visit areas in the north of the island that are not under the control of the RoC.³⁹ This is strictly applied in practice.

Treatment of aliens, including refugees and asylum seekers (arts. 9, 13, 14 and 24)

18. In relation to the previous concluding observations (para. 14), please report on the implementation and impact of measures to ensure that the detention of migrants and asylum seekers is a measure of last resort, is applied for the shortest possible period and

³⁹ Article 18A and 19(4) Refugee Law.

is reasonable, necessary and proportionate in the light of the circumstances and, when detention is unavoidable, that alternatives to such detention are duly assessed and, when possible, applied. In this respect, please include statistical information for the reporting period, disaggregated by sex, age and nationality, on the number of migrants and asylum seekers in detention, the average and maximum time of detention and the use of alternatives to detention.

a. Places of Immigration Detention & Conditions:

Persons are detained in the Detention Centre **Menogia**, which is a pre-removal detention center and the only detention center currently in the country, with a capacity of 128 persons, or they may be detained in **holding cells in Police stations** across the country. There are 20 such police stations with facilities for detention and the total capacity is 180 persons.⁴⁰ Holding cells should only be used for periods of 48 hours as the conditions do not permit longer stays (see Detention Conditions) and then transferred to Menogia, however due to lack of capacity in Menogia, persons are often detained for long periods in holding cells.

Regarding conditions in recent years, there have been noticeable improvements to the living conditions in **Menogia**,⁴¹ following recommendations made by the CPT, the Committee against Torture (CAT),⁴² and the Ombudsman's Office. There are thus less complaints about custodial staff behaviour, food, or outdoor access. However, as reported by the Council of Europe Commissioner for Human Rights, detainees in Menogia complain about the lack of activities, as well as the length of their detention, some of them experiencing re-detention.⁴³ The Commissioner also noted that detainees deprived of their liberty for months without any prospect of either deportation or release do not understand the purpose of their continuous detention and feel treated as criminals.⁴⁴ This leads to high levels of stress, and has resulted in several hunger strikes in Menogia in recent years, mostly by irregular migrants and rejected asylum seekers, along with a few asylum seekers.⁴⁵

Since 2020, there has been **a substantial rise in the use of holding cells**. There has been no official justification for the increase of use of police holding cells, however it seems to be due to the lack of space in Menogia. The national Ombudsman acting as National Preventive Mechanism of Torture raised the issue in various reports,⁴⁶ the latest being a report in September 2020, based on a monitoring visit of a Pafos police station.⁴⁷ The report states, among other things, that holding cells should not be used for purposes of immigration detention and that persons must be transferred to Menogia within 48 hours. No improvement

⁴⁰ Information provided by Cyprus Police.

⁴¹ CoE Commissioner for Human Rights, *Cyprus report*, 31 March 2016, para 1.3.2. See also KISA, 'Improvements regarding detention conditions – significant problems regarding detention and deportation practices', 29 January 2017, available at: <http://bit.ly/2jJhL82>.

⁴² CAT, *Concluding Observations on the Fourth Report of Cyprus*, 21 May 2014, available at: <http://bit.ly/2jEBJOC>.

⁴³ CoE Commissioner for Human Rights, *Cyprus report*, 31 March 2016, para 1.3.2.

⁴⁴ Ibid.

⁴⁵ See KISA, 'Abuse of power is leading detained migrants to desperate acts', 5 April 2016, available at: <http://bit.ly/2jmslOB>.

⁴⁶ *Εκθέσεις-Εισηγήσεις του Γραφείου Επιτρόπου Διοικήσεων υπό την ιδιότητα ως Εθνικός Μηχανισμός Πρόληψης των Βασανιστηρίων*, Αριθμός Φακέλων: Ε.Π.Μ. 1. 02. (4/10/2019), Ε.Π.Μ. 2. 11. (10/10/2019), Ε.Π.Μ. 2.14 (24/07/2019), ΑΥΤ. 2/2020 (04/09/2020) και ΕΜΠ 2.15. (24/09/2020)

⁴⁷ Ombudsman, Report on Police Holding Cells in Pafos, 1 September 2020; *Έκθεση Επιτρόπου Διοικήσεως και Προστασίας Ανθρωπίνων Δικαιωμάτων ως Εθνικός Μηχανισμός Πρόληψης των Βασανιστηρίων, αναφορικά με την επίσκεψη που διενεργήθηκε στα Αστυνομικά Κρατητήρια Πάφου την 1η Σεπτεμβρίου 2020*, available at: .

was noted after the issuance of the report.⁴⁸ In addition, due to lack of clear procedures with regards to access to asylum or court procedures, there seems to be a delay in responding to requests made by persons expressing their intention to apply for asylum while being detained in a holding cell, or asylum seekers wishing to access the court with the aim of challenging their detention.⁴⁹

Conditions in the **holding cells** of the various police stations vary but are overall considered to be sub-standard. In a report issued by the Ombudsman's Office following a monitoring visit in **Oroklini**, Larnaca, the conditions were found to be below accepted standards and included issues related to lack of access to open-air spaces, cleanliness and hygiene, access to information and access to full set of rights.⁵⁰ A similar report was issued in September 2020, again by the Ombudsman's Office, based on a monitoring visit of a **Pafos** police station.⁵¹ The recommendations included not using holding cells for purposes of immigration detention and moving persons to **Menogia** within 48 hours; increasing access to telephone and online communication; fixing doors to cells to ensure privacy; posting in every cell the rights of detainees; creating an entertainment area; and improving/fixing infrastructure on hygiene facilities. Finally, the report stated that the practice of making detainees clean hygiene facilities must be terminated.

There is no information available whether the above recommendations have been implemented. In a visit carried out by CyRC to the Police Station in **Lakatamia** (suburb of **Nicosia**), all detainees mentioned that they each have a private cell with a shower and toilet. They also reported that the living space is clean and the building is cleaned by personnel hired specifically for this reason. Furthermore, according to recent information gathered from former detainees, the cells of detainees – not including those who are detained for criminal reasons, they are separated from administrative detainees – are open all day until 10pm except during the time the cleaning service comes. However, the issue regarding the washing machines remains as problematic as in the previous report; in that, there are no washing machines and detainees are forced to wash their clothes in the sink of their cells with the soap they use to wash their bodies.

Regarding access to open-air spaces for detainees in holding cells, the situation varies. Many lack sufficient open-air spaces and there are reports of detainees having extremely limited time outside. Furthermore, they do not have any recreational facilities.⁵²

In late 2022 improvements to the conditions in Holding Cells were planned in view of the upcoming CPT monitoring visit to Cyprus, however it is not yet clear if these have taken place. Based on feedback from detainees in early 2023 there do not seem to have been significant improvements to the conditions in PHC that are commonly used for immigration detention such as no access to open-air spaces, no access to washing machines and no recreational activities.⁵³

⁴⁸ Information provided by the Cyprus Refugee Council.

⁴⁹ Ibid.

⁵⁰ Ombudsman, *Έκθεση ως Εθνικός Μηχανισμός Πρόληψης των Βασανιστηρίων αναφορικά με την επίσκεψη που διενεργήθηκε στα Αστυνομικά Κρατητήρια Ορόκλινης στις 30 Νοεμβρίου 2017*, ΕΜΠ 2.17, 3 April 2018.

⁵¹ Ombudsman, *Έκθεση Επιτρόπου Διοικήσεως και Προστασίας Ανθρωπίνων Δικαιωμάτων ως Εθνικός Μηχανισμός Πρόληψης των Βασανιστηρίων, αναφορικά με την επίσκεψη που διενεργήθηκε στα Αστυνομικά Κρατητήρια Πάφου την 1η Σεπτεμβρίου 2020*, ΕΜΠ 2.15, 24 Σεπτεμβρίου 2020, available in Greek at: <https://bit.ly/3dFJ9yz>.

⁵² ECtHR, *Haghilo v. Cyprus* (47920/12), 26 March 2019, available at: <https://bit.ly/2Uru0Zh>.

⁵³ Based on information provided by monitoring visits carried out by Cyprus Refugee Council.

De facto detention in Pournara - In early 2020, due to the rise in numbers of asylum seekers, the Council of Ministers announced stringent measures, which included the creation of more closed centres. At the time, measures were also being taken due to COVID-19. As a result, and before completing ongoing constructions of the First Reception Centre, **Pournara**, all new arrivals in the country started being referred to the Centre (see [Registration](#)). The stay at the Centre is supposed to be for 72 hours and for the purpose of registration, lodging asylum applications, and medical and vulnerability screenings. Instead, throughout 2020, persons remained for much longer periods in many cases ranging between three to five months. Furthermore, the terms for release from the centre are often unclear, change arbitrarily or are impossible to be met, such as showing a rental agreement. The situation had led to a significant rise in the number of persons in the Centre, initially from 350 to 700.⁵⁴ Within the same year and following limited increase in infrastructure, the capacity of the Centre had been declared to be 1000, however it currently holds over more than double at times reaching 3000 persons.⁵⁵ The situation has led to severe deterioration of living conditions as there is no infrastructure in place to host such numbers, especially for a long duration and where such persons are being *de facto* detained.

Overall, in 2021 and 2022, the duration of stay in Pournara Centre fluctuated with an average of around 40-60 days, with some cases reaching three to four months, resulting in severe overcrowding as the number of residents surpassed 2,800 individuals, whereas the maximum official capacity is of 1,000, leading to inadequate living conditions, not in line with European standards. In February and December 2021 two Dutch Courts allowed asylum applicants whose first asylum country was Cyprus to be included in the Dutch asylum procedure because they would not have adequate reception conditions in Cyprus and returning to Cyprus entailed the risk of being subjected to degrading or inhumane treatment due to bad reception conditions. Both decisions also referred to Pournara and the low standard of conditions.⁵⁶ Given the restriction of movement while staying in the Centre and depending on the length of stay in the Centre, in some cases the permanence in Pournara can amount to *de facto* detention.

b. Duration of Detention

The Refugee Law allows the detention of asylum seekers subject to no time limit. Therefore, in most cases persons will remain in detention until they are deported, opt to leave voluntarily or receive international protection. A limited number of cases will be released based on a Court Order.

In 2020, there was a substantial deterioration in the duration of detention for asylum seekers, from around 1-2 months in 2019, to indefinite detention which continues until present. Once detained, an asylum seeker will in most cases remain detained for the duration of the asylum procedures. For asylum seekers detained in **Menogia** Detention Centre, the duration of the first instance examination of the asylum application is on average 2 months, whereas if detained in a **holding cell** it may take longer. Furthermore, if an appeal is submitted before the IPAC against a negative decision on the asylum application the duration of detention may

⁵⁴ Information provided by the Cyprus Refugee Council.

⁵⁵ Information provided by the Cyprus Refugee Council.

⁵⁶ Court of the Hague, case NL21.2036, available at: <https://bit.ly/3IU5xCG>; Court of the Hague, NL21.17448 en NL.1745, available at: <https://bit.ly/3KtS3Op>.

Supreme Court, Application 1/2019, 24 January 2019, available in Greek at: <https://bit.ly/2GgJeKM>. See also Philenews, 'Ανότατο: Άμεση αποφυλάκιση αιτητή πολιτικού ασύλου', 5 February 2019, available in Greek at: <https://bit.ly/2RJefrX>.

Supreme Court Application 177/2020, 24 February 2021 available in Greek at: <https://bit.ly/316sMoA>.

Supreme Court, Appeal, Application 15/22, 17 November 2022, available in Greek at <https://bit.ly/3ln9FEH>.

reach or even go over 12 months. Duration of detention remained an issue throughout 2021 and 2022.

The Supreme Court has in a series of cases has ordered release of persons detained for extended periods,⁵⁷ however with no substantial impact on policy or practice. In 2022, there has been an increase in detainees being deported, as well as a significant increase in detainees opting for voluntary return⁵⁸ which has led to a decrease in the average duration of detention.

c. Procedural Safeguards

Detention based on the Refugee Law or the Aliens and Immigration Law as a “prohibited immigrant” has no time limit or automatic review and can only be challenged judicially. Detention based on the Aliens and Immigration Law, under the articles that transpose the Returns Directive, has a maximum limit of 18 months and provides for periodic reviews of the lawfulness of detention or review of this upon request of the detainees but in practice, this does not take place. Instead, the initial motivation is repeated, usually stating a lack of cooperation by the detainee for the issuance of travel documents, regardless of whether the detainee is an asylum seeker and without stating any reasoning or facts to support the claim of lack of cooperation. Even when the applicant (or his or her legal representative) requests a review, in most cases the administration does not even respond to the request. This was again confirmed in 2020.⁵⁹ The 2016 ruling by the Supreme Court that an order prolonging detention must be issued in writing and provide reasons for such prolongation, even if the maximum time limit of 18 months permitted by Article 18ΠΣΤ of the Aliens and Immigration Law has not yet been reached has had an impact on the practice.⁶⁰

Regarding access to detention orders, asylum seekers in detention will often not have the detention order on them or the latest detention order in case of renewal. If they request the detention order, which may be kept in individual files in the offices of the centre, they will be provided with it, however in 2021 and 2022 cases were identified in Police Holding Cells where the detention order was issued or communicated to detainees with delays reaching 2-3 weeks.⁶¹ There have also been instances, where NGOs request to review the detention orders of their beneficiaries and the police refuse to provide these to the NGOs or even to the detainees themselves.⁶²

Until 2021, all detention orders reviewed included only the wording of the article and, although it was stated that an individual assessment had been carried out, there were no individual facts or reasons for detention or any other reference, justification or findings of an individual assessment. Furthermore, the detention order would refer to “objective criteria” but there was no mention or analysis on what those objective criteria were and how they are applied or justified in the individual case. This raised concerns from the IPAC, and Judges would often comment that the detention orders did not have adequate justification even if detention was not considered illegal and instructed the CRMD to review them.⁶³ As a result, since late 2021 detention orders list the reasons for which detention has been ordered (e.g.

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⁵⁸ Based on information from the monitoring visits to the detention centre by Cyprus Refugee Council

⁵⁹ Based on information from cases represented by CYRC as well as other cases communicated by lawyers to CYRC.

⁶⁰ Supreme Court, *Nessim v. Republic of Cyprus*, Case No 66/2016, 24 August 2016, EDAL summary available at: <http://bit.ly/2ka8UwE>.

⁶¹ Information based on cases represented by the Cyprus Refugee Council.

⁶² Information based on cases represented by the Cyprus Refugee Council.

⁶³ Information provided from the Cyprus Refugee Council and derived from reviewing IPAC decisions, e.g. Α.Η Κυπριακής Δημοκρατίας, μέσω Διευθυντή Τμήματος Αρχείου Πληθυσμού και Μετανάστευσης, available at: <https://bit.ly/3MEIm2E>.

illegal entry, delay in applying for asylum, convicted for criminal offence, lack of travel document or address). However, there is no mention of the facts of the case or an individual assessment on how these reasons justify detention. The situation in 2022 remained the same.⁶⁴

Detention orders also include a brief description of the right to challenge the order by recourse before the Administrative Court or the IPAC, as well as the right to apply for legal aid but do not mention the right to submit a *Habeas Corpus* application to challenge the duration of detention. Moreover, there is no information on the procedure to be followed to access these remedies, including legal aid. The administrative order is usually issued in English and/or in Greek, and it is never provided in a language the applicant is known to understand.

In **Menogia**, detainees are given a list of lawyers and a general leaflet available in many languages informing them of their rights and obligations in detention but this does not include information on the right to legal challenges and the right to legal aid and how to access this. However, from discussions with detainees it is evident that they do not have knowledge of the reasons for their detention or the legal challenges and legal options available and how to go about these.⁶⁵ In spite of claims by the CRMD that detainees are always provided written information regarding the grounds of their detention and their rights to challenge the detention orders, and that every reasonable effort is made to ensure that detainees receive the information in a language they understand,⁶⁶ little improvement has been made and the situation, as reflected in older reports, remains.⁶⁷

Regarding access to Court, detainees in **Menogia** usually have access to courts with no delays. For detainees in **holding cells**, access to court is problematic without a lawyer, including when trying to access legal aid. Contrary to Menogia, there are no clear procedures on how to request access to judicial procedures and no clear guidelines for the police officers to respond to such requests. The police officers stationed in holding cells are responsible only for guarding detainees whereas access to asylum procedures and access to Court for asylum seekers is the responsibility of the AIU. In the absence of clear procedures, police officers in holding cells often ignore the requests from detainees to access legal remedies or are late in notifying the AIU who will transfer detainees to court. Furthermore, there are also practical difficulties in transferring detainees from the various holding cells spread out across the country to the relevant courts that are only in Nicosia as it is more time consuming and requires more resources in comparison with transferring detainees from Menogia. This leads to practices varying widely between police stations and undue delays in granting access to legal remedies, or to applicants being left with no access to remedies due to deadlines elapsing. Regarding legal remedies, according to national legislation, there are two legal remedies available to challenge detention for immigration purposes, whether detained under the Refugee Law or under the Aliens and Immigration Law for immigration/return purposes a **recourse** before the IPAC or Administrative Court depending on the legal basis of detention and a **Habeas Corpus** application before the Supreme Court.

In recent years, the majority of asylum seekers are detained based on the Refugee Law. In such cases, according to the law, the detention order can be challenged before the IPAC.⁶⁸ The deadline to submit an appeal was reduced from 75 days to 15 days in 2020.⁶⁹ The IPAC

⁶⁴ Information based on monitoring visits carried out by the Cyprus Refugee Council.

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Ombudsman, *Report on the visits to Menogia on 14 February, 3 April, and 19 April 2013*, 16 May 2013; KISA, *Comments and Observations for the forthcoming 52nd session of the UN Committee against Torture*, April 2014, 10.

⁶⁸ Article 9ΣΤ(2) & Article 9ΣΤ(6)(α) Refugee Law.

⁶⁹ Article 12A(2)(θ) IPAC Law.

is obliged to issue a decision within four weeks but in practice cases are examined on average within 8 weeks.⁷⁰ In 2021 and 2022, the duration of examination improved; however, in cases that required interim procedures to the main judicial procedure, either to adduce evidence or modify a legal point, the 4-week time limit was almost always exceeded.

If the detention order is based on the Aliens and Immigration Law, the order can be challenged by recourse under Article 146 of the Constitution before the Administrative Court.⁷¹ The deadline to submit an appeal is 75 days upon receiving notification of the decision.⁷²

Until 2021, the Administrative Court was under no time limit to examine a recourse regarding detention ordered under the Aliens and Immigration Law, even if priority was supposed to be given to detention cases. The decision on whether to expedite judicial examination remained at the Court's discretion, with many cases taking more than 3 months to be examined. With the amendment of the Law, in compliance with the ECtHR decision against Cyprus,⁷³ a time limit of 30 days was introduced during which the Administrative Court is obliged to issue a decision, but only for recourses that challenge both return and detention and must include a claim that return would violate the principle of non-refoulement.⁷⁴ The only exception to this is force majeure. In practice there is no clear indication if the time-limit is respected. For other recourses concerning detention the Administrative Court follows a fast-track process, however the duration varies depending on the judge and is on average 6-8 weeks.

It should also be noted that examination of detention based on the *Aliens and Immigration Law* does not examine the substance of the case but only the legality of the decision.

Until 2021, the submission of recourse by a person held under the Aliens and Migration Law would not have **suspensive effect** on the return/deportation decision, meaning that the detainee could be returned to the country of origin within that time period. With the amendment of the Law, in compliance with the ECtHR decision against Cyprus,⁷⁵ the submission of a recourse against a deportation or return order before the Administrative Court can have suspensive effect if the claimant alleges that the return/deportation decision is in violation of Articles 2 and/or 3 of the European Convention of Human rights or/and is in violation of the principle of non-refoulement.⁷⁶ Nevertheless, the suspensive effect is activated if, and only when the applicant challenges the deportation order. Therefore, applicants remain unprotected for the period of time between the issuing of the decision and the submission of the recourse against the decision. Having in mind the lack of information provided to detainees, the delays in accessing the legal aid procedure, the time it takes for a legal aid procedure to be concluded, there are concerns that the absence of suspensive effect during this time frame, leaves persons with deportation orders against them, unprotected from *refoulement*. Indeed, there has been information and cases of third country nationals being deported before they submit a challenge against their deportation order, including the case of a trans-person who was deported shortly after she was released from the Central Prison, regardless of the fact that she was married to a Cypriot citizen.⁷⁷

⁷⁰ Based in review of cases on CyLaw database (date the case was registered and the date the decision was issued), available at: <http://www.cylaw.org/>.

⁷¹ Article 180Γ& Article 18ΠΕΤ(3) Aliens and Immigration Law.

⁷² Article 146, Cyprus Constitution

⁷³ ECtHR, *M.A. v. Cyprus*, Application No 41872/10, 23 July 2013

⁷⁴ Article 11A, Administrative Court Law.

⁷⁵ ECtHR, *M.A. v. Cyprus*, Application No 41872/10, 23 July 2013

⁷⁶ Article 11(A) -(1) Aliens and Immigration Law.

⁷⁷ The third country national was not transferred to the designated Migrant Detention Center to await her deportation, but was instead transferred to Police Holding Cells. The Office of the

Furthermore, the 2020 amendments significantly reduced the deadline to challenge a detention order under the Refugee Law from 75 days to 15 days, during which time legal aid must be requested and approved. This has rendered access to an effective remedy against detention problematic. Since the amendments, detainees have reported that they have missed the 15-day deadline which raises questions on access to adequate information and facilitation of access to remedies in time.

In the case of asylum seekers, the deportation order is suspended for the duration of the examination of the first instance administrative examination of the asylum application. For the judicial examination of the asylum application, the deportation order is suspended for asylum applications examined under the regular procedures. However, the deportation order is not suspended for asylum applications examined under the accelerated procedures, as well as for unfounded and inadmissible decisions; subsequent applications; and implicit and explicit withdrawals. A separate application requesting the right to remain must be submitted before the IPAC. If the recourse is successful, the detention order will be annulled.

In 2022, according to the IPAC, 49 decisions were issued in recourses against detention orders, of which 17 succeeded, 23 rejected and 9 explicitly withdrawn.

Habeas Corpus application: The second remedy, which is only available before the Supreme Court, is a *Habeas Corpus* application provided for under Article 155(4) of the Constitution, which challenges the lawfulness of detention, but only on grounds relating to length of detention.

A *Habeas Corpus* application can be submitted at any time. When detention is ordered under the Refugee Law, a detained asylum seeker is entitled to submit more than one *Habeas Corpus* application if the detention is prolonged, or relevant circumstances arise, or when new elements arise which may affect the legality of the duration of detention.⁷⁸

There are no time limits within which the Supreme Court is obliged to examine the *Habeas Corpus* application, and the examination may take one to three months. For cases which fall under the Refugee Law, the Supreme Court is obliged to issue a decision within three weeks and may give necessary instructions to speed up the process.⁷⁹ The number of *Habeas Corpus* applications submitted is extremely low, but from those submitted it seems that the Court adheres to the prescribed deadline.⁸⁰

The submission of a *Habeas Corpus* application does not have suspensive effect on the return/deportation decision, meaning the detainee can be returned to the country of origin within this time period. In the case of asylum seekers, however, the deportation order is suspended for the duration of the examination of the first instance administrative examination of the asylum application. For the judicial examination of the asylum application the deportation order is suspended for asylum applications examined under the regular procedures. The deportation order is not suspended for asylum applications examined under the accelerated procedures, as well as for unfounded and inadmissible decisions; subsequent applications; implicit and explicit withdrawals and a separate application requesting the right to remain must be submitted before the IPAC.

d. Alternatives to Detention:

Ombudsperson has published a report condemning the government for this action. The report can be found in Greek at: <https://bit.ly/3lnQkTP>.

⁷⁸ Article 9ΣΤ(7)(a)(ii) Refugee Law.

⁷⁹ Article 9ΣΤ(7)(b)(i) Refugee Law.

⁸⁰ Supreme Court, Application 1/2019, 24 January 2019.

Regardless of the national court decisions, “alternatives to detention” are still rarely if ever examined prior to detention being ordered. Throughout 2020, 2021 and 2022, alternatives to detention were ordered in an extremely low number of cases. Most cases of asylum seekers that are released from detention on alternatives to detention, concern detainees who challenge their detention order in Court successfully or detainees that have challenged their detention order before Court and the CRMD cancels the detention order and issues a new decision, ordering alternatives to detention before the Court issues a decision.

The Civil Registry and Migration Department is responsible for assessing whether alternatives to detention may be applied. However, these are not subject to a statutory time limit or a proportionality test and there are no implementing regulations or guidelines for their application. Due to this, it is not clear how alternatives are implemented and, even though detention orders issued under the Refugee Law refer to an individualised assessment and the CRMD states that such assessments are indeed carried out, an extremely small number of detainees are released by implementing alternatives.⁸¹

The decision to detain is not based on an assessment of the asylum seeker’s individual circumstances or the risk of absconding, and the CRMD issues and renews detention and deportation orders simultaneously, without considering less restrictive alternatives to immigration detention. This applies to all detainees, including asylum seekers, whose cases may still be pending.

The IPAC has issued decisions highlighting the lack of an individual assessment and consideration of less restrictive measures, and the need for an individual assessment of detention in line with the principles of proportionality and necessity.⁸²

19. Please provide information on the implementation and results of steps to ensure:

(a) That adequate free legal support is provided from the beginning of asylum determination procedures, including during the administrative stages, to all asylum seekers, including unaccompanied minors;

Adequate free legal support is **not** provided from the beginning of asylum determination procedures, including during the administrative stages, to asylum seekers, including unaccompanied minors.

Regarding the administrative stages, the only free legal support available is provided by the Cyprus Refugee Council with extremely limited capacity (4 lawyers for app. 30,000 asylum seekers pending).

Legal aid is offered by the state only at the judicial stage of the asylum application before the IPAC.⁸³ The application for legal aid is subject to a “means and merits” test.⁸⁴ Regarding the “means” part of the test, an asylum seeker applying for legal aid must show that they do not have the means to pay for the services of a lawyer. This claim is examined by an officer of the Social Welfare Services who submits a report to the IPAC. In the majority of cases, asylum seekers are recognised not to have sufficient resources. However in 2022, legal aid was

⁸¹ Information based on monitoring visits to Menogia Detention Centre by the Cyprus Refugee Council and interventions carried out as part of the case management under the Pilot Project on the Implementation of alternatives to detention in Cyprus, available at: <https://bit.ly/3cJ2v6C>.

⁸² *G.N. v. The Republic*, ΔΔΠ 155/2019 (5/11/2019); *T.E.V. v the Republic*, ΔΔΠ 270/2019 (8/11/2019) *A.H. v. Republic of Cyprus* Case No. ΔΚ 73/2020, 29/1/2021. *S.R. v. Republic of Cyprus*, Case No. ΔΚ 45/20, 17/11/2020. *M.R. v. Republic of Cyprus*, ΔΚ 105/21, 15/11/2021.

⁸³ Article 6B(2) Legal Aid Law.

⁸⁴ Article 6B(2)(b)(bb) Legal Aid Law.

rejected based on the fact that the applicant was working and receiving a salary of around €750 per month which was considered adequate to contract the services of a lawyer.⁸⁵

The “merits” part of the test is extremely difficult to satisfy. The applicant must show that the “the appeal has a real chance of success”, meaning they must convince the judge, without the assistance of a lawyer, that there is a possibility the Court may rule in their favour if it later examines the appeal. Additionally, in this process the state lawyer representing the Republic acts as an opponent and always submits reasons why the appeal does not have a real chance of success and why legal aid should not be provided, leading to an extremely unequal process. As a result, it is nearly impossible for a person with no legal background to satisfy this requirement. Since the extension of legal aid to the asylum procedure in 2010, very few applications for legal aid have been submitted and even less granted.⁸⁶

In 2022, there was an increase in the number of applications for legal aid as 225 applications were submitted and 208 decisions issued, however these include legal aid applications related to recourses/appeals challenging decisions on asylum applications as well as detention orders. Of the 208 decisions, 107 were rejected, 43 implicitly or explicitly withdrawn and 58 were positive (32 asylum cases, 18 detention orders).⁸⁷ However, considering that over 8,000 appeals were submitted before the IPAC in 2022 the number still remains low.

(b) That migrants and asylum seekers are promptly provided with information about their legal situation, and any changes thereto, in an appropriate manner and in a language they understand;

The provision of information has always been one of the most important gaps in the system and remained so until present. Overall, there is extremely limited information available, on all issues related to migration and asylum, including legal procedures and rights. Furthermore, there are very few information providers, mainly NGOs with limited capacity. The lack of information often leads to misuse of procedures, loss of rights or exploitation from agents and lawyers. Access to information on rights, entitlements, protection, services and opportunities for female third country nationals and refugee seeking victims of trafficking has been found to be the most cross-cutting and fundamental need.⁸⁸

(c) The effective early identification and referral of, and assistance and support for, vulnerable asylum seekers, including victims of trafficking in persons, torture, rape or other forms of psychological, physical or sexual violence, and that they are not discriminated against;

Although progress has been noted with regards to the vulnerability assessment procedure, some gaps remain. Specifically, efforts are still required to improve a screening procedure of vulnerabilities, upon arrival to the Centre, to address time-sensitive special needs. Some vulnerabilities may be identified, especially visible signs such as heavily pregnant women or persons with physical disabilities, by Pournara’s operations personnel as well as EUAA information providers or registration officers. In such cases, the vulnerability assessment coordinator is informed and assigns these cases to the team on a priority basis.

Another important gap is the lack of a mechanism to address the needs and relevant referral pathways that continues to be a serious challenge and results in persons being identified as

⁸⁵ Legal Aid Application No. NA 30/2022

⁸⁶ According to a search carried out on the [Cylaw database](#), for 2010-2017, approximately 87 applications for legal aid submitted by asylum seekers were found, out of which 9 were granted.

⁸⁷ Information provided by IPAC.

⁸⁸ <https://medinstgenderstudies.org/launch-of-mind-the-gap-report-coalesce-for-supporting-female-third-country-national-victims-of-trafficking-for-sexual-exploitation/>.

vulnerable but not necessarily receiving the required support, whether special reception conditions and/or procedural guarantees. The main - and often only - support received is temporary accommodation and emergency financial allowances upon exiting Pournara by the Social Welfare Services. However even this is not always provided, and in many cases, vulnerable individuals are released from Pournara without being assisted by an officer of the Social Welfare Services stationed at the centre. As a result, their access to special reception conditions upon exit is not always guaranteed.

Furthermore, access to mental health services, particularly psychological assistance, is also problematic, as there is no system to refer cases to state psychologists and the capacity of such services is often not sufficient to respond to the needs and lack interpretation services. Furthermore, there are every few NGOs offering such services, and cannot respond to the demand. In cases of severe mental health difficulties or emergency needs, e.g., risks or attempts of suicide, the person is referred to a psychiatrist at the Emergency department of the General Hospital.

Concerning potential victims of Sexual and Gender-based Violence (SGBV), trafficking and torture concerns remain on effective identification; effective referral mechanism and provision of needed support, especially mental health as mentioned above. Additionally, access to women-specific healthcare must be enhanced (i.e., gynecologically focused, taking into account issues such as female genital mutilation and providing sex education). Healthcare services require a strictly gender-specific approach focusing on the recovery of women from physical trauma and other conditions related to sexual exploitation, including sexually transmitted diseases, pelvic infections, infertility and addiction. Gender-specific, trauma-sensitive, psychological and medical support measures must be carried out by practitioners with knowledge in the field of THB and trauma.⁸⁹

The impact of SGBV on women asylum seekers and refugees has also significant social implications. A study conducted by UNHCR and the MIGS in 2019 among a representative sample of asylum-seekers at the First reception center (Pournara), revealed that 49% of all women assessed were identified as victims of SGBV compared to 5.1% of all men assessed. Most of the women survivors were from Cameroon and Congo.⁹⁰

Access to health services and reproductive health care is of paramount importance. In all referenced studies and reports, the most significant impact of SGBV was on their sexual and reproductive health. Unwanted pregnancy, forced abortion, STIs, vaginal haemorrhaging and miscarriage are a direct consequence of SGBV. Beyond the basic and generic health checks upon arrival that all asylum-seekers undergo, there is no evidence that specialised care is available that takes into account the specific needs of female asylum-seekers that have experienced SGBV. Access to reproductive health care and service, including assistance with birth and post-natal medical support is often facilitated by NGOs that provide practical assistance and psychological support to asylum-seekers, particularly for those women living outside government shelters or reception centres. Furthermore, there is no evidence of procedures in place to monitor the health needs of SGBV survivors or that sexual health

⁸⁹ Kaili, C. (2021) Mind the Gap Report: COALESCE for Support in Cyprus, A needs analysis for the integration of migrant female victims of trafficking for sexual exploitation/abuse. Available at: <https://medinstgenderstudies.org/launch-of-mind-the-gap-report-coalesce-for-supporting-female-third-country-national-victims-of-trafficking-for-sexual-exploitation/> (p.35).

⁹⁰ <https://www.unhcr.org/cy/2021/12/03/unhcr-launches-report-on-sexual-and-gender-based-violence-among-asylum-seekers-in-cyprus/>.

information and education is made available to them, both of which could play an important role in mitigating further risk of SGBV and facilitate healing.⁹¹

In addition, there are no specialized services for survivors of FGM, neither from the State nor from NGOs. It would be key to promote the development of both comprehensive and holistic general services, as well as specialised services for FGM survivors in Cyprus. Such services must be adequate, of quality, nondiscriminatory and accessible to all FGM survivors, regardless of migration and residence status. Moreover, there is no provision of psycho-sexual support, including the option for genital reconstructive surgery, for women and girl survivors of FGM within the public health system in Cyprus. It is essential that holistic health services for FGM survivors (including psychosocial and sexual support and reconstructive surgery) are available, accessible and fully covered by the public health system in Cyprus.⁹²

(d) The provision of adequate reception conditions for asylum seekers and refugees, in particular unaccompanied children, and that all foreign nationals with disabilities residing in the State party, including asylum seekers, have access without distinction to disability-related support schemes and benefits.

Asylum seekers in Cyprus have the right to access reception conditions during the administrative and judicial examination of their asylum applications. Access to reception conditions is not ensured during the judicial examination of decisions issued in the accelerated procedure; subsequent applications; decisions that determine the asylum application is unfounded or inadmissible; and decisions related to explicit or implicit withdrawal.

The Asylum Service, under the Ministry of Interior, is responsible for coordinating all other authorities on asylum issues, including related to reception. The Asylum Service is also responsible for the operation of reception and accommodation centres for asylum seekers.⁹³ Although they may have a coordinating role, each right under reception conditions is provided for by the competent Ministry,⁹⁴ as a result four Ministries are involved, which often leads to fragmented and uncoordinated approach and planning.

Since 2019, all persons wishing to apply for asylum who entered the country in an irregular manner, are referred to the **Pournara** First Reception Centre for registration, lodging of asylum application, and medical and vulnerability screenings. Access to reception conditions is provided at the Centre for a stay of approximately 40 to 60 days. Upon exiting the Centre, asylum seekers have access to reception conditions in the community or in the Reception Centres (Kofinou, UASC shelters), whereas a limited number of persons are moved to the Reception/Pre-Removal Center, Limnes. For persons who arrived in a regular manner they will have access to reception conditions upon concluding registration.

Living conditions in Kofinou are considered decent, whereas conditions in Pournara and Limnes have been evaluated as sub-standard. Regarding shelters for UASC, conditions vary depending on the facility; at times, overcrowding has been an issue in some shelters.

⁹¹ Ibid. (p.23).

⁹² Joint shadow report by MIGS and END FGM EU on FGM: https://medinstgenderstudies.org/wp-content/uploads/2021/07/MIGS_EndFGMEU_Shadow-Report_CYPRUS.pdf

⁹³ EASO, Operating Plan, Cyprus 2022-2024, available at: <https://bit.ly/37ezU8Z>.

⁹⁴ Material Reception Conditions by the Social Welfare Services under the Deputy Minister of Social Welfare; Employment under the Ministry of Labour and Social Insurance; Education under the Ministry of Education, Culture, Youth and Sports; Healthcare under the Ministry of Health.

With the total number of asylum seekers reaching over 30,000 by the end of 2022, and capacity of Reception Centres limited to around 1000 persons, most asylum seekers reside in the community in private houses/apartments, which they are required to secure on their own. SWS bear the responsibility of processing applications and addressing asylum seekers' needs, including the allocation of an allowance to cover housing expenses. The asylum seeker is expected to provide all necessary documentation.

2022 continued to be an extremely challenging year for the country's reception system. The ongoing absence of a comprehensive reception system combined with the stringent measures adopted by the authorities to address migration and refugee flows, along with the continued increase in arrivals had a severe impact on the ability of the reception system to address the needs of newly arrived persons, as well as of those already present in the country.

Reception standards remain below adequate levels, exposing asylum seekers to the risk of homelessness and destitution. The majority of asylum seekers live in the community and are often extremely impoverished. Centres are overcrowded and in need of structural renovation to reach acceptable sanitation and hygiene standards, as well as to provide safeguards against sexual and gender-based violence for both children and single women. The timely identification and response to the needs of vulnerable individuals, including children, both within reception facilities and in the community, requires improvement.

Regarding persons with disabilities, asylum seekers are not entitled to a series of social benefits granted to nationals such as: child benefit; student grants, given to nationals who secure a position in university and the single parent benefit. Asylum seekers are also excluded from the grants/benefits of the Department for Social Inclusion of Persons with Disabilities, under the Ministry of Labour and Social Insurance, which include various benefits and services aimed to help disabled persons, notably a special allowance for blind people; mobility allowance; financial assistance schemes for the provision of technical means; instruments and other aids; and care allowance schemes for paraplegic/quadruplegic persons etc.