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**COMMISSION STAFF WORKING DOCUMENT**

**2022 Rule of Law Report  
Country Chapter on the rule of law situation in Cyprus**

*Accompanying the document*

**Communication from the Commission to the European Parliament, the Council, the  
European Economic and Social Committee and the Committee of the Regions**

**2022 Rule of Law Report  
The rule of law situation in the European Union**

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## ABSTRACT

The structural reforms of the Cypriot justice system which are being elaborated by the Government are progressing, albeit with delays. The draft legislation on the splitting of the current Supreme Court, voted by Parliament on 7 July 2022, raises certain concerns regarding the procedure of the appointment of judges in the future Supreme Constitutional Court and the High Court and the composition of the Supreme Council of the Judicature. The Venice Commission has issued recommendations on this issue. The planned strengthening of the budgetary independence of the Law Office by the Government is delayed. The justice system continues to face serious challenges as regards its efficiency but digital solutions are being applied and planned. The new rules of civil procedure are being implemented and expected to have a positive impact on the general efficiency of the justice system. Further reforms aim at overcoming important challenges for the efficiency and quality of the justice system, in particular through digitalisation. The Bill establishing the Commercial and the Admiral Court was adopted by the Parliament on 12 May 2022.

Cyprus enacted the law on the protection of whistleblowers and the law on the transparency of lobbying. The legislation on asset disclosure for elected officials remains pending before the Parliament. The institutional framework was also advanced with the establishment by law of a National Anti-Corruption Authority. The implementation of the anti-corruption plan has continued. Despite the increased resources allocated to the Attorney General's Office, results on the investigation and adjudication of high-level corruption cases are lacking. The implementation of integrity rules for specific sectors of the administration shows results, although no progress was made for the general public administration. The scheme for citizenship through investments was phased-out to address the recommendations of an inquiry commission.

Freedom of expression and the right of access to information find legal and formal protection in the Constitution. Secondary legislation expressly ensures protection of journalistic sources, fosters media pluralism in the radio and television sectors and establishes the framework and conditions for public access to information. Laws adopted in 2021 expressly declare the independence of the Cyprus Radio and Television Authority and media ownership transparency. While the Law on the Cyprus Broadcasting Corporation (CyBC) lays down rules on the governance and financing of public service media, certain weaknesses have been identified relating to the appointment and dismissal of CyBC's board members. A modernisation of the Law on the Cyprus Broadcasting Corporation as well as of the rules regulating the employment conditions of the organisation are being considered by the authorities.

The consultation process on legislative proposals remains limited and concerns exist on the access to drafts by the public and the involvement of civil society organisations at a sufficiently early stage. The Government adopted an Action Plan in September 2021 aiming at the simplification of legislation in general and the reduction of bureaucracy. The Government has taken action to better assist civil society and to improve communication with public authorities by creating a dedicated online platform, while judicial proceedings are still ongoing regarding the registration and operation of a civil society organisation. Human resources of the Ombudsperson are being reinforced but concerns remain in particular as regards the selection and appointment procedures and the pluralism in the composition of the Commissioner's office.

## **RECOMMENDATIONS**

In addition to recalling the commitments made under the national Recovery and Resilience Plan relating to certain aspects of the justice system and the anti-corruption framework, it is recommended to Cyprus to:

- Ensure that the reform on the appointment of the Supreme Constitutional Court and High Court judges takes into account European standards on judicial appointments and the opinion of the Venice Commission.
- Ensure that the reform on the composition of the Supreme Council of the Judicature takes into account European standards regarding Councils for the Judiciary and the opinion of the Venice Commission.
- Continue to improve the effective investigation and adjudication of high-level corruption cases, including by strengthening the Office of the Attorney General and its budgetary independence.
- Introduce rules on asset disclosure for elected officials to establish regular and comprehensive filing, combined with effective, regular and full verifications.
- Strengthen the rules and mechanisms to enhance the independent governance of public service media taking into account European standards on public service media.
- Establish a framework for the effective and timely consultation of stakeholders in the legislative process.

## I. JUSTICE SYSTEM

The court system<sup>1</sup> is composed of six District Courts, six Assize Courts<sup>2</sup>, the Administrative Court<sup>3</sup>, the Administrative Court of International Protection<sup>4</sup> and the Supreme Court<sup>5</sup>. The process of establishing a separate Constitutional Court is ongoing. In addition, there are family courts, rent control courts, industrial disputes courts and a military court<sup>6</sup>. First instance judges are appointed, transferred and promoted by the Supreme Council of Judicature (SCJ), which is composed of all the members of the Supreme Court (the President and 12 Justices)<sup>7</sup>. The Prosecution Service is independent and organised under the Attorney General of the Republic<sup>8</sup>. The Attorney General heads also the Law Office of the Republic which is an independent service<sup>9</sup> assisting him, not subjected to any ministry. Cyprus participates in the European Public Prosecutor's Office (EPPO). The independent national bar association has regulatory and disciplinary competence as regards its members.

### Independence

**The level of perceived judicial independence in Cyprus continues to be average among both the general public and companies.** Overall, 50% of the general population and 45% of companies perceive the level of independence of courts and judges to be 'fairly or very good' in 2022<sup>10</sup>. According to data in the 2022 EU Justice Scoreboard, no clear trend can be identified in the evolution of the perceived level of independence since 2016. The perceived judicial independence among the general public has slightly increased in comparison with 2021 (48%), but it is lower than in 2016 (56%). The perceived judicial independence among companies remains at the same level as in 2021.

**The proposed appointment procedure of the judges of the future Supreme Constitutional Court and High Court continues to raise concerns.** As referred to in the 2021 Rule of Law Report<sup>11</sup>, draft legislation was already submitted to the Parliament at the end of 2020. The draft legislation provides that the decisions on the appointment of the judges and the Presidents of the new courts would be solely taken by the President of the

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<sup>1</sup> CEPEJ (2021), Study on the functioning of the judicial systems in the EU Member States, p. 241.

<sup>2</sup> The Assize Court has unlimited jurisdiction to hear and determine at first instance any criminal case.

<sup>3</sup> Law 131 (I)/2015 on the Establishment and Function of the Administrative Court.

<sup>4</sup> Law 73 (I)/2018 on the Establishment and Function of the Administrative Court for International Protection.

<sup>5</sup> The Supreme Court acts as an appellate body. It also acts as a Constitutional Court.

<sup>6</sup> Contribution from the Supreme Court of Cyprus for the 2022 Rule of Law Report.

<sup>7</sup> Constitution of Cyprus, Art. 157.2. This constitutional provision is further elaborated in Law No. 33/64 of the Administration of Justice, Section 10.

<sup>8</sup> The Attorney General has the power, exercisable at his discretion in the public interest, to institute, conduct, take over and continue or discontinue any proceedings for an offence against any person (legal or natural) in the Republic. The Attorney General is also the legal adviser of the Republic, of the President, of the Council of Ministers and of the Ministers individually. He performs all other functions and duties conferred on him by the Constitution or by statutory law. See Constitution of Cyprus, Art. 112.

<sup>9</sup> The two functions, prosecution and legal advisor are separate and operate with different staff. The Attorney General's representatives (Counsels of the Republic) act on his behalf and only take instructions from him. All Counsels of the Law Office of the Republic are members of the Public Service and they are regulated by the Public Service Law and Regulations including disciplinary procedures as all other public servants.

<sup>10</sup> Figures 50 and 52, 2022 EU Justice Scoreboard. The level of perceived judicial independence is categorised as follows: very low (below 30% of respondents perceive judicial independence as fairly good and very good); low (between 30-39%), average (between 40-59%), high (between 60-75%), very high (above 75%).

<sup>11</sup> 2021 Rule of Law Report, Country Chapter on the rule of law situation in Cyprus, p. 3.

Republic<sup>12</sup>. It was also provided that an Advisory Judicial Council would be set up - different from the Supreme Council of Judicature - responsible for preparing a list of the most suitable candidates for appointment. However this list would not be binding on the President. The envisaged participation of the Attorney General in the Advisory Council without voting right is a positive development<sup>13</sup>. In addition, the lack of a possibility for candidates to challenge a decision of the Advisory Judicial Council, and the absence of clear pre-established criteria for the appointments, raise concerns. On 22 September 2021, the Cypriot authorities requested an opinion from the Venice Commission on three pending Bills reforming the Judiciary<sup>14</sup>. On 13 December 2021, the Venice Commission made a number of recommendations regarding the draft legislation<sup>15</sup>, which focus on the composition of the Advisory Judicial Council and the procedures of appointment of the judges of the two highest jurisdictions. In particular, the Venice Commission recommended to replace the Attorney General in the composition of the Advisory Judicial Council; to provide for a graduated recommendation by the Council to the President; to provide that the reasons for the decisions of the Council should be made available to applicants on request; to provide that an unsuccessful candidate should have the right to challenge the decision of the Advisory Judicial Council, and to provide for pre-existing, clear and transparent criteria for appointment that would be binding on the Council. Also, the Venice Commission suggested as a further improvement that the President would need to give reasons in writing when he takes any decision which does not follow the recommendation of the Advisory Judicial Council. As already noted in the 2021 Rule of Law report, it is important that the reform guarantees judicial independence, in line with EU law and taking into account Council of Europe recommendations<sup>16</sup>. On 7 July 2022, the Parliament voted on the draft legislation<sup>17</sup>.

**The Reform of the Supreme Council of the Judicature raises some concerns as regards its proposed composition.** The draft legislation also contains amendments aiming at ensuring a better representation of the justice system in the configuration of the Supreme Council of the Judicature, currently composed of all the members of the Supreme Court. However, as already noted by the Commission in the 2021 Rule of Law Report, it is important that the reform of the Supreme Council of the Judicature takes into account the

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<sup>12</sup> Currently, Supreme Court Judges are appointed by the President of the Republic from the ranks of the judiciary and upon recommendation of the Supreme Court, which the President is not obliged to follow. However, according to an established practice, the President of the Republic follows the recommendations of the Supreme Court, which, based on seniority, proposes the oldest judge in service for each vacancy. The same practice applies to the appointment of the President of the Supreme Court, for which the President of the Republic always follows the recommendation to appoint the oldest judge in service in that Court. See 2021 Rule of Law Report, Country Chapter on the rule of law situation in Cyprus, p. 2.

<sup>13</sup> In the initial draft legislation, the Attorney General had a voting right.

<sup>14</sup> The Bill entitled the Law of 2021 on the Sixteenth Amendment to the Constitution (CDL-REF(2020)091), the Bill entitled Law amending the Laws relating to the Courts 1960 to (no 3) 2020 5 CDL-REF(2020)092) and the Bill entitled Law amending the Regulations on the Acquisition of the Justice (Miscellaneous Provisions) Laws of 1964 to 2015 (CDL-REF(2020)093).

<sup>15</sup> Venice Commission opinion on three bills reforming the judiciary (CDL-AD(2021)043). The Venice Commission made a general statement that 'It is not in the remit of this opinion to assess the constitutionality of the proposed reform' (paragraphs 55 and 61).

<sup>16</sup> Recommendation CM/Rec(2010)12 of the Committee of Ministers of the Council of Europe to member states on judges: independence, efficiency and responsibilities, paras 46-48. According to the Cypriot authorities, the Venice Commission recommendations are now under assessment by the Ministry of Justice and Public Order; input from Cyprus for the 2022 Rule of Law Report, p. 7.

<sup>17</sup> The text as voted by Parliament is not yet public as the final steps of the legislative process are still ongoing before the promulgation of the legislation by the President of the Republic.

Council of Europe recommendations<sup>18</sup>. In particular, concerns have been raised that the judicial members of the Supreme Council of the Judicature are selected by seniority and not by their peers. In its Opinion<sup>19</sup>, the Venice Commission recommended to replace the Attorney General in the composition of the Supreme Council of the Judicature, unless s/he participates without the right to vote and to consider having the judicial members elected by their peers, instead of selecting them by seniority<sup>20</sup>.

**The proposed strengthening of the budgetary independence of the Law Office of the Republic<sup>21</sup> is further delayed.** The adoption of the draft legislation concerning the budgetary independence of the Law Office, remains under discussion between the Attorney General and the Ministry of Finance since 2021<sup>22</sup>. The human resources of the Law Office were strengthened in 2021 with the recruitment of 24 additional lawyers to handle specifically international protection cases<sup>23</sup>.

## Quality

**Cyprus has committed to reforms to address serious concerns regarding the digitalisation of justice<sup>24</sup>, starting with the introduction of interim digital solutions.** Cyprus' commitments in the framework of the Recovery and Resilience Facility aim at remedying the shortcomings in the area of the digitalisation of justice, such as the very limited online information about the judicial system available for the general public<sup>25</sup> and the lack of digital solutions to initiate and follow proceedings in civil, commercial and administrative cases, as well as the use of electronic communication and tools<sup>26</sup>. Until the creation of a fully operational e-justice system covering all the branches of the judiciary and all issues, including case management and information to the parties and the public, interim solutions<sup>27</sup> are being further developed. From 1 February 2022, all new court cases are filed electronically. The Cyprus Bar Association has issued relevant material and proposed adequate training to lawyers<sup>28</sup>. In addition, on 17 September 2021 the Supreme Court issued a court regulation<sup>29</sup>, the 'Electronic Justice (Electronic Communication) Procedural Regulation' on the handling of cases through electronic communication with the Court<sup>30</sup>.

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<sup>18</sup> Recommendation CM/Rec(2010)12 of the Committee of Ministers of the Council of Europe, para. 27. See also: 2021 Rule of Law Report, Country Chapter on the rule of law situation in Cyprus, pp. 3-4.

<sup>19</sup> Venice Commission opinion on three bills reforming the judiciary (CDL-AD(2021)043).

<sup>20</sup> According to the Cypriot authorities, the Venice Commission recommendations are now under assessment by the Ministry of Justice and Public Order. See: Input from Cyprus for the 2022 Rule of Law Report, p. 7.

<sup>21</sup> 2021 Rule of Law Report, Country Chapter on the rule of law situation in Cyprus, p. 1.

<sup>22</sup> Information received from the representative of the Attorney General in the context of the country visit to Cyprus. No further explanation was given on this delay.

<sup>23</sup> Ibid. As regards the fight against corruption, see *infra* under section II.

<sup>24</sup> European Commission (2022), Report on the implementation of the Recovery and Resilience Facility, p. 40.

<sup>25</sup> Figure 41, 2022 EU Justice Scoreboard.

<sup>26</sup> Figures 42 and 44, 2022 EU Justice Scoreboard.

<sup>27</sup> 2021 Rule of Law Report, Country Chapter on the rule of law situation in Cyprus, p. 4, and input from Cyprus for the 2022 Rule of Law Report, pp. 3-4.

<sup>28</sup> Information received from the Bar Association in the context of the country visit to Cyprus.

<sup>29</sup> The Supreme Court can issue regulations (ordinances) on procedural issues addressed to the judiciary including in the area of e-justice.

<sup>30</sup> Information received from the Supreme Court and the Bar Association in the context of the country visit to Cyprus. Furthermore, on regulating the electronic filing aspect, the Supreme Court issued on 15 January 2021, the Electronic Justice (Electronic Filing) Procedural Regulation, and meanwhile amended other Procedural Regulations in order to facilitate the use of electronic systems.

**An ongoing project initiated by the Director of justice Reform for the creation of an independent Courts' Service and the restructuring of registries aims at modernising the management of the court system.** According to the Cypriot authorities, the objective of this project is to separate the administrative management of the courts from the judicial functions and to establish a professional management structure to support the judiciary and to develop strategy and plans to ensure an effective administration of justice<sup>31</sup>. The project will be completed by the end of December 2022<sup>32</sup>.

**The Cyprus Bar Association is paying special attention to preserve the integrity of its members.** Steps have been taken to improve disciplinary mechanisms, in particular as regards compliance with rules on Anti Money Laundering (AML). According to the Bar Association, investigations have become more efficient through increased training activities for members of the AML unit of the disciplinary body of the Bar Association and cooperation with forensic fraud experts<sup>33</sup>.

## Efficiency

**The justice system continues to face serious challenges as regards its efficiency<sup>34</sup>.** The time needed to resolve civil, commercial and administrative cases and other cases in first instance courts (1087 days in 2020 compared to 882 days in 2019) still remains among the highest in the EU<sup>35</sup>. Six additional judges were recruited in July 2021<sup>36</sup> to reinforce the taskforce which has been created in 2020 focusing in particular on handling the backlog of cases<sup>37</sup>. In administrative<sup>38</sup> courts at first instance, the length of proceedings increased substantially (863 in 2020 compared to 495 days in 2019)<sup>39</sup> and the clearance rate experiences an important decrease (84% in 2020 compared to 170% in 2019 and to 219% in 2018)<sup>40</sup>.

**The new rules of civil procedure<sup>41</sup> are expected to have a positive impact on the general efficiency of the justice system, including in reducing backlogs<sup>42</sup>.** The new rules should

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<sup>31</sup> Contribution of the Congress of the Conference of European Constitutional Courts for the 2022 Rule of Law Report, p. 10. The project is supported by the Council of Europe. See also Council of Europe, 'Call for tenders for the provision of consultancy in the area of courts management ...in Cyprus'.

<sup>32</sup> Information received from the Ministry of Justice and Public Order in the context of the country visit to Cyprus.

<sup>33</sup> Contribution of the Cyprus Bar Association for the 2022 Rule of Law Report, p. 3; Information received from the Bar Association in the context of the country visit to Cyprus and Contribution of the Council of Bars and Law Societies of Europe (CCBE) for the 2022 Rule of Law Report, p. 20.

<sup>34</sup> 2021 Rule of Law Report, Country Chapter on the rule of law situation in Cyprus, p. 5.

<sup>35</sup> Figure 6, 2022 EU Justice Scoreboard.

<sup>36</sup> Input from Cyprus for the 2022 Rule of Law Report, p. 5.

<sup>37</sup> 2021 Rule of Law Report, Country Chapter on the rule of law situation in Cyprus, p. 5.

<sup>38</sup> Administrative final court decisions are often not complied with; after annulment the Administration often comes back with the same decision. Contribution from the Cyprus Bar Association for the 2022 Rule of Law Report, p. 6.

<sup>39</sup> Figure 9, 2022 EU Justice Scoreboard.

<sup>40</sup> Figure 13, 2022 EU Justice Scoreboard. The Supreme Court did not give any explanation in the context of the country visit for this situation.

<sup>41</sup> The rules of civil procedure have been approved by the Supreme Court on 19 May 2021 (there is no need for further legislation). See 2021 Rule of Law Report, Country Chapter on the rule of law situation in Cyprus, p. 5.

<sup>42</sup> Within the framework of the Recovery and Resilience Plan, a commitment has been undertaken for the reduction in the backlog of cases and appeals pending for over two years before the Districts Courts and the

ensure that the timelines for trials will be planned from the outset, while the procedures will become more flexible and efficient. This aims at addressing the problem of continuous postponements, which currently unnecessarily prolong the length of proceedings and raise legal costs<sup>43</sup>. Among the key innovations is that the judges (and not anymore the parties<sup>44</sup>) have the main responsibility for structuring the debates during civil proceedings. Other such innovations are that a number of EU civil law instruments are incorporated<sup>45</sup> and that e-justice is introduced in all procedures. A commitment has been undertaken by the Supreme Court for the implementation of the new rules of civil procedure for the new cases submitted to the courts as from 1 September 2023<sup>46</sup>. This timeline allows for training of stakeholders, including judges and lawyers. The Commission in cooperation with the Council of Europe supported the Cypriot authorities in preparing the ground for the implementation of the new rules through training offered to all key stakeholders (judges, lawyers, court registrars) held between September and December 2021<sup>47</sup>. Training continues with actions planned until 2025<sup>48</sup>; the Bar Association is actively involved in this area<sup>49</sup>.

**Laws establishing two new Courts have been adopted.** The two bills<sup>50</sup> concerning the establishment of a Commercial and Admiralty Court<sup>51</sup> were adopted on 12 May 2020<sup>52</sup>, to provide appropriate jurisdictions for the determination of high profile commercial cases and admiralty cases<sup>53</sup>. In addition, the draft legislation which was voted on 7 July also provides for the establishment of a Court of Appeals<sup>54</sup>.

## II. ANTI-CORRUPTION FRAMEWORK

In February 2022, the institutional framework for anti-corruption was improved with the establishment of a National Anti-corruption Authority. The implementation of the Action Plan against Corruption (2021-2026) continues under the monitoring of the Office of Transparency and Prevention of Corruption. The Attorney General maintains the overall

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Supreme Court - by 20% from the 31 December 2020 level and by 40% from the 31 December 2020 level. To this end, an action plan is now being prepared with specific annual targets. Input from Cyprus for the 2022 Rule of Law Report, p. 5.

<sup>43</sup> Speech of Mrs Stephanie Dracos, CY Minister of Justice during the final Conference for the Official Completion of the Project for the modernisation of the Civil Procedure Rules on 8 December 2021 organised by the Supreme Court in cooperation with the European Commission and the Council of Europe.

<sup>44</sup> 'Rules of Civil Procedure', part 3; published in the website of the Supreme Court of Cyprus.

<sup>45</sup> Regulation (EC) No 1896/2006, creating a European order for payment procedure, Regulation (EC) No 861/2007 establishing a European Small Claims Procedure and Directive 2008/52/EC on certain aspects of mediation in civil and commercial matters.

<sup>46</sup> Input from Cyprus for the 2022 Rule of Law Report, p. 5.

<sup>47</sup> Final Conference for the Official Completion of the Project for the modernisation of the Civil Procedure Rules on 8 December 2021.

<sup>48</sup> Information received from the Director of Reform and Training in the context of the country visit to Cyprus.

<sup>49</sup> Information received from the Bar Association in the context of the country visit to Cyprus. In more general terms, Cyprus' Resilience and Recovery Plan includes an investment to train judges on various legal topics and judicial skills to address lifelong learning needs; see European Commission (2022), Report on the implementation of the Recovery and Resilience Facility, 2022, p. 41.

<sup>50</sup> 2020 Rule of Law Report, Country Chapter on the rule of law situation in Cyprus, p. 5.

<sup>51</sup> Until now, the Supreme Court had the main jurisdiction together with the District Courts to act as an Admiralty Court to determine maritime claims. See Courts of Justice Law, No 14/1960, article 19 and 22B.

<sup>52</sup> Establishment and Operation of Commercial Court and Admiralty Court Act 2022, Law 108 of 12/05/2022. Information received from the Rule of Law Contact Point on 17 May 2022.

<sup>53</sup> Input from Cyprus for the 2022 Rule of Law Report, p. 7.

<sup>54</sup> 2021 Rule of Law Report, Country Chapter on the rule of law situation in Cyprus, p.4.



competence to prosecute criminal offences, including corruption, and continues to provide legal advice to law enforcement authorities investigating corruption offences.

**The perception among experts and business executives is that the level of corruption in the public sector remains relatively high.** In the 2021 Corruption Perceptions Index by Transparency International, Cyprus scores 53/100 and ranks 15<sup>th</sup> in the European Union and 52<sup>nd</sup> globally<sup>55</sup>. This perception has deteriorated over the past five years<sup>56</sup>. The 2022 Special Eurobarometer on Corruption shows that 94% of respondents consider corruption widespread in their country (EU average 68%) and 57% of respondents feel personally affected by corruption in their daily lives (EU average 24%)<sup>57</sup>. As regards businesses, 92% of companies consider that corruption is widespread (EU average 63%) and 78% consider that corruption is a problem when doing business (EU average 34%)<sup>58</sup>. Furthermore, 29% of respondents find that there are enough successful prosecutions to deter people from corrupt practices (EU average 34%)<sup>59</sup>, while 8% of companies believe that people and businesses caught for bribing a senior official are appropriately punished (EU average 29%)<sup>60</sup>.

**The Parliament passed the law for the establishment of the National Anti-corruption Authority in February 2022, however, the Authority is not yet fully operational.** By law<sup>61</sup>, the Authority is responsible for transparency and prevention of corruption in both the public and private sectors<sup>62</sup>. The operational establishment of the Authority, which was expected to be operational since 1 July 2022, started with the appointment of the members of the board by the President of Cyprus on 3 May 2022<sup>63</sup>, and the allocation of financial and technical resources. However, the selection of the specialised investigative staff remains pending, which is needed to achieve the full operability of the Authority. In addition, the Ombudsperson is competent alongside others<sup>64</sup> to monitor the good functioning of the public administration and can also receive complaints regarding maladministration linked to possible public sector corruption. In this case, the outcome of the investigation will be sent to the Attorney General Office to examine the possible criminal offences. However, in the past

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<sup>55</sup> Transparency International (2022), Corruption Perceptions Index 2021, pp. 2-3. The level of perceived corruption is categorised as follows: low (the perception among experts and business executives of public sector corruption scores above 79); relatively low (scores between 79-60), relatively high (scores between 59-50), high (scores below 50).

<sup>56</sup> In 2017 the score was 57, while, in 2021, the score is 53. The score significantly increases/decreases when it changes more than five points; improves/deteriorates (changes between 4-5 points); is relatively stable (changes from 1-3 points) in the last five years.

<sup>57</sup> Special Eurobarometer 523 on Corruption (2022). The Eurobarometer data on citizens' corruption perception and experience is updated every second year. The previous data set is the Special Eurobarometer 502 (2020).

<sup>58</sup> Flash Eurobarometer 507 on Businesses' attitudes towards corruption in the EU (2022). The Eurobarometer data on business attitudes towards corruption as is updated every second year. The previous data set is the Flash Eurobarometer 482 (2019).

<sup>59</sup> Special Eurobarometer 523 on Corruption (2022).

<sup>60</sup> Flash Eurobarometer 507 on Businesses' attitudes towards corruption in the EU (2022).

<sup>61</sup> 'Setting up the Anticorruption Authority', Law 19(1)2022 of 17 February 2022.

<sup>62</sup> See written contribution received from the Office of Transparency and Prevention of Corruption of the Ministry of Justice and Public Order in the context of the country visit to Cyprus, p. 2. For the year 2022, the Authority will be allocated a budget estimated between EUR 700 000 and EUR 800 000.

<sup>63</sup> Letter of the Attorney General of 9 May 2022 addressed to the Commission.

<sup>64</sup> See *infra* section IV.

years the Ombudsperson has not received any substantiated reports directly connected to corruption<sup>65</sup>.

**The strategic anti-corruption framework continues to be implemented, with additional resources allocated to the controlling bodies.** In 2021, 26 additional officers were appointed to the control units of public institutions<sup>66</sup>, who will receive training on corruption-risk management as well as a manual of procedures<sup>67</sup>. In 2021, the Internal Audit Service structure expanded to a total of 15 units (from the seven previously existing entities)<sup>68</sup>, while its budget of EUR 300 000 remains unchanged compared to previous years<sup>69</sup>. A new Internal Audit Manual for the Internal Audit Service is under preparation<sup>70</sup>. The Government is still working on developing a strategy for the rotation of civil servants more exposed to risk of corruption<sup>71</sup>. A EUR 2 million fund is made available to cover, at different percentages per type of entity, the costs required by public and private organisations to obtain the certification of the anti-bribery standard<sup>72</sup>.

**The prosecution authorities continue to improve their capacity, although results regarding high-level corruption cases are lacking.** The adoption of the draft legislation concerning the budgetary independence of the Attorney General, remains under discussion between the Attorney General and the Ministry of Finance since 2021<sup>73</sup>. Since 2021, a total of 42 new lawyers were recruited by the Attorney General office<sup>74</sup>, although 46 additional positions still remain vacant<sup>75</sup>. At the beginning of 2022, an anti-corruption taskforce was created under the competence of the Attorney General office, with specialised officers from relevant institutions (such as the National Law Office, the Anti-money Laundering Unit, and the Police, in addition to ad-hoc experts from other entities)<sup>76</sup>. The Financial Crime

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<sup>65</sup> Information received from the Ombudsperson in the context of the country visit.

<sup>66</sup> Notably in the Ministries of Defence, Agriculture, Environment, Justice and Public Order, Industry, Foreign Affairs and Health. Information received from the Office of Transparency and Prevention of Corruption of the Ministry of Justice and Public Order in the context of the country visit.

<sup>67</sup> Input from Cyprus for the 2022 Rule of Law Report, p. 14.

<sup>68</sup> Information received from the Office of Transparency and Prevention of Corruption of the Ministry of Justice and Public Order in the context of the country visit.

<sup>69</sup> Information received from the Office of Transparency and Prevention of Corruption of the Ministry of Justice and Public Order in the context of the country visit.

<sup>70</sup> Input from Cyprus for the 2022 Rule of Law Report, p. 14.

<sup>71</sup> To that end, specific recommendations were made to all Ministries, Deputy Ministries, Independent Offices, Departments and Services. The rotation arrangements are expected to be addressed to the Department of Public Administration and Personnel in the end of August 2022. See also, input from Cyprus for the 2022 Rule of Law Report, p. 15.

<sup>72</sup> Information received from the Office of Transparency and Prevention of Corruption of the Ministry of Justice and Public Order in the context of the country visit. At the end of 2020, the Council of Ministers launched a national integrity programme based on the International Organisation for Standardisation's (ISO) standard on anti-bribery management system. 2021 Rule of Law Report, Country Chapter on the rule of law situation in Cyprus, p. 6.

<sup>73</sup> See above p. 5.

<sup>74</sup> Including three senior public prosecutors, three investigators, 13 supporting public prosecutors, in addition to the three officers who were reassigned from the Law Office of the Republic. Information received from the Office of the Attorney General in the context of the country visit.

<sup>75</sup> In the course of 2021 and 2022, the Attorney General's Office has recruited and promoted also permanent legal personnel, including 10 senior counsels of the Republic, 14 counsels, 3 senior public prosecutors, 13 public prosecutors, 2 senior and 5 regular anti-money laundering officers, in order to enhance human resources. Information received from the Office of the Attorney General in the context of the country visit.

<sup>76</sup> See written contribution received from the Office of the Attorney General in the context of the country visit, p. 3.

Investigation Office of the Police has been further reorganised into two branches (namely the Financial Crime Branch and the Financial Investigations Branch), and four new accountants were recruited in 2021<sup>77</sup>. Eight multi-jurisdiction cases on embezzling European Union funds remain pending for investigation<sup>78</sup>. Despite these enhanced efforts and resources, there are still no results on the adjudication of high-level cases of corruption<sup>79</sup>.

**The legislative framework on lobbying has become more robust, while the approval of an additional act on asset declarations remains pending.** The Law on the transparency of lobbying entered into force in February 2022<sup>80</sup>, except for the sections 6 and 7 of the Law (on the sanctions and penalties, respectively), which will enter into force in January 2023<sup>81</sup>. The law creates a public register on lobbying activities, monitored by the newly established national Anticorruption Authority<sup>82</sup>. Despite declaration of assets for some high-ranking officials, such as members of the Parliament and the President of the Republic being regulated, this is not the case for all elected officials and other civil servants. A draft bill on assets declaration of elected and other civil servants aims to modernise the relevant legal provisions to make them more effective. The bill remains pending before the Parliamentary Committee since 2021, but is expected to be submitted before the plenary of the House of Representatives by the end of 2022<sup>83</sup>. The existing asset declaration requirement for members of the Parliament does not cover all forms of assets above a certain threshold, including immovable property such as vehicles. Furthermore, the effectiveness of the verification mechanism has been questioned<sup>84</sup>. While the law on political parties<sup>85</sup> was evaluated positively by GRECO<sup>86</sup>, the data on the implementation of the asset disclosure mechanism continues to be lacking, thus the concerns set out in the previous two years' Rule of Law reports remain unaddressed<sup>87</sup>.

**While the implementation of provisions on conflict of interest for members of Parliament continues, no progress was made concerning similar provisions for the**

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<sup>77</sup> Input from Cyprus for the 2022 Rule of Law Report, p. 9.

<sup>78</sup> Input from Cyprus for the 2022 Rule of Law Report, p. 10. Furthermore, three requests received through the EPPA concerning criminal cases investigated by other Member States were executed in 2021 by the Office for the Execution of European Orders and Requests for Judicial Assistance. See written contribution from the Law Office of the Republic in the context of the country visit, p. 2.

<sup>79</sup> Information received from the Office of the Attorney General in the context of the country visit. 2021 Rule of Law Report, Country Chapter on the rule of law situation in Cyprus, p. 7.

<sup>80</sup> Law n. 20(I) of 2022 'On transparency in public decision-making and related matters'.

1) This Law shall enter into force on the date of entry into force of the Law on the Establishment and Operation of an Independent Authority against Corruption. (2) Subject to the provisions of subsection (1), Part VI and Part VII shall enter into force on 1 January 2023.

<sup>82</sup> Information on such contacts as well as its content and purposes, shall be officially recorded and be publicly available. See written contribution received from the Law Office of the Republic in the context of the country visit, pp. 2-3.

<sup>83</sup> See written contribution from the Parliament in the context of the country visit, p. 2; Input from Cyprus for the 2022 Rule of Law Report, p. 11. See also the 2021 Rule of Law Report, Country Chapter on the rule of law situation in Cyprus, p.7.

<sup>84</sup> GRECO Fourth Evaluation Round - Second Compliance Report Cyprus, p. 5-6.

<sup>85</sup> The Political Parties law n.175 (I) of 2012.

<sup>86</sup> In the context of its Third Evaluation Round. See the Addendum to the Second Compliance Report on Cyprus in the context of the GRECO Third Evaluation Round – Second Compliance Report , para. 24, p. 5: 'with respect to Theme II – Transparency of Party Funding, all recommendations have been implemented satisfactorily'.

<sup>87</sup> 2020 Rule of Law Report, Country Chapter on the rule of law situation in Cyprus, p. 8 and 2021 Rule of Law Report, Country Chapter on the rule of law situation in Cyprus, p. 9.

**public service as a whole.** The compliance of members of Parliament with their Code of Conduct, adopted in February 2021, is monitored by a Parliamentary Committee<sup>88</sup>. In 2021, there were 21 cases examined on conflicts of interest, and three cases in 2022<sup>89</sup>. In 2021, four complaints concerned misconduct of members of Parliament, and in one case an oral reprimand was issued. Although some rules on conflicts of interest in the public service exist in different laws, no progress was made concerning the design of a single regulation on conflict of interest for all State officials<sup>90</sup>.

**The legislation on whistleblower protection was adopted by the Parliament and entered into force in February 2022<sup>91</sup>.** The legislation<sup>92</sup> aims at transposing the EU Directive on whistleblower protection<sup>93</sup> and at providing for supplementary protection to persons reporting acts of corruption both in the public and the private sectors<sup>94</sup>, with sanctions reduced for individuals that cooperate with the police<sup>95</sup>.

**The implementation of ethics provisions for the police and the judiciary continued over the past year.** In 2021, the Police internal affairs service (PIAS)<sup>96</sup> received 101 reports of crimes allegedly committed by police officers. Seventeen cases were investigated (with no evidence found of crime), and three cases remain pending. Ethical conduct is part of police officers' annual appraisal, as per the code of police ethics, and recruits receive related training<sup>97</sup>. In 2021, there were 83 disciplinary procedures opened, which resulted in 43 decisions with sanctions (either a fine or a reprimand) issued by the Chief of Police<sup>98</sup>. The number of cases received by the Investigation of Allegations and Complaints against the Police (IAIACAP) increased in recent years. The budget of IAIACAP increased in 2021 up to EUR 322 000<sup>99</sup>. Furthermore, members of the judiciary attend a compulsory annual training on ethics organized by the Director of Judicial Reform and Training<sup>100</sup>.

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<sup>88</sup> 2021 Rule of Law Report, Country Chapter on the rule of law situation in Cyprus, p. 8.

<sup>89</sup> See written contribution from the Parliament in the context of the country visit, p. 1.

<sup>90</sup> See written contribution from the Ministry of Foreign Affairs in the context of the country visit, p. 1.

<sup>91</sup> However, legal entities of the private law, with a staff of 50 to 249 members, have until 17 December 2023 to establish internal channels for whistleblowers.

<sup>92</sup> Protection of persons who have reported infringements of EU and national law, law number 6(I) of 2022, published in the national Gazette on 4 February 2022.

<sup>93</sup> Directive (EU) 2019/1937 on the protection of persons who report breaches of Union law (OJ L 305), p. 17.

<sup>94</sup> The new law is combined with the Protection of Witnesses Law 95(I)/2001. Information received from the Office of Transparency and Prevention of Corruption of the Ministry of Justice and Public Order in the context of the country visit.

<sup>95</sup> The maximum penalty is half of the one provided for the offence. Information received from the Office of Transparency and Prevention of Corruption of the Ministry of Justice and Public Order in the context of the country visit.

<sup>96</sup> The directorate of professional standards and inspection is responsible for disciplinary matters, and performs regular checks on police officers. PIAS has a staff of 21 police officers, and an annual budget of around EUR 80 000. In addition to specific risk testing and investigations, PIAS officers deliver anticorruption training to members of the police. The Professional Standards and Inspection Directorate of the Police is responsible for disciplinary matters of police officers. Information received from the PIAS in the context of the country visit.

<sup>97</sup> Information received from the Police internal affairs service in the context of the country visit.

<sup>98</sup> Ibid.

<sup>99</sup> Compared to EUR 280 000 allocated in 2018, EUR 308 000 in 2019 and EUR 317 000 for 2020. Input from Cyprus for the 2021 Rule of Law Report, p. 9.

<sup>100</sup> Information received from Director of Judicial Reform and Training in the context of the country visit to Cyprus.

**Some action was taken regarding Cyprus' investor citizenship scheme.** The European Commission has frequently raised its serious concerns about investor citizenship schemes and certain risks, including corruption that are inherent in such schemes<sup>101</sup>. The infringement procedure launched in October 2020<sup>102</sup> concerning Cyprus' scheme is ongoing. The investor citizenship scheme was phased out as of November 2020<sup>103</sup> with pending applications having been handled until 30 July 2021<sup>104</sup>. The deprivation of nationality previously granted to 45 individuals under the investor citizenship scheme proposed by the authorities is currently under review by the Independent Committee. However, the legal framework of the scheme remains in force<sup>105</sup>.

**Initiatives previously established for the prevention of corruption-risk during the COVID-19 pandemic remained in place.** The automated control mechanism on the recipients of COVID-related subsidies, created by the Ministry of Labour, Welfare and Social Insurance, continued to be operational, paired with the price limitation for the medicines and medical devices already in place in 2021<sup>106</sup>.

### **III. MEDIA PLURALISM AND MEDIA FREEDOM**

In Cyprus, freedom of expression and the right of access to information find legal and formal protection in the Constitution. Secondary legislation expressly ensures protection of journalistic sources, fosters media pluralism in the radio and television sector, enshrines the formal independence of the media regulator and details the right of access to public sector information. The government has tabled a Law on the safeguarding of freedom of the press and the operation of the media<sup>107</sup>.

**In December 2021, Cyprus adopted the Radio and Television Organizations (Amendment) Law and the Cyprus Broadcasting Corporation (Amendment) Law.** These Amending Laws, adopted with a view to aligning Cypriot legislation with the new Audiovisual Media Service Directive<sup>108</sup>, expressly declare the independence of the regulator for audio-visual media services, the Cyprus Radio Television Authority (CRTA), by expressly stipulating that the Authority shall be functionally and effectively independent.

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<sup>101</sup> As mentioned in the EU Commission's report of January 2019 (COM(2019) 12 final), those risks relate in particular to security, money laundering, tax evasion and corruption and the Commission has been monitoring wider issues of compliance with EU law raised by investor citizenship schemes. As regards investors citizenship scheme in Cyprus see 2021 Rule of Law Report, Country Chapter on the rule of law situation in Cyprus, p. 7.

<sup>102</sup> European Commission (2020), Press Release of 20 October 2020, 'Investor citizenship schemes: European Commission opens infringements against Cyprus and Malta for "selling" EU citizenship'.

<sup>103</sup> 'Cyprus Investment Programme' (CIP). Written contribution from the Ministry of Interior in the context of the country visit, p. 1.

<sup>104</sup> The Inquiry Commission that was launched in 2020 (see 2021 Rule of Law Report, Country Chapter on the rule of law situation in Cyprus, p.7) has submitted its conclusions to the Attorney General in June 2021.

<sup>105</sup> Following Russia's invasion of Ukraine, the Commission also called on Member States operating an investor citizenship scheme to repeal it immediately and to assess the possibility to revoke such naturalisations previously granted to certain Russian and Belarusian individuals (see Commission recommendation on immediate steps in the context of the Russian invasion of Ukraine in relation to investor citizenship schemes and investor residence schemes (C(2022) 2028 final)). Cyprus has initiated the process of deprivation of Cypriot nationality for eight investors and 28 family members subject to EU restrictive measures.

<sup>106</sup> Input from Cyprus for the 2022 Rule of Law Report, p. 14.

<sup>107</sup> Cyprus ranks 65th in the 2022 Reporters without Borders World Press Freedom Index compared to 26th in the previous year.

<sup>108</sup> Directive (EU) 2018/1808 of 14 December 2018 concerning the provision of audiovisual media services.

While the Media Pluralism Monitor<sup>109</sup> maintains an overall low risk score for the independence of the media regulator, it flags the unclear selection criteria for the appointment of members by the government and a lack of sufficient transparency about its operation as issues of some concern.

**The regulatory framework relating to transparency of media ownership in the audio-visual media sector has been somewhat strengthened.** The Radio and Television Organisations Law as amended in December 2021 addresses the gaps previously identified in the 2020 and 2021 Rule of Law reports<sup>110</sup> by obliging all media service providers under the jurisdiction of the Republic to make accessible to the CRTA information concerning their ownership structure, including the beneficial owners<sup>111</sup>. However, the Media Pluralism Monitor<sup>112</sup> - highlighting the fact that these transparency rules apply exclusively to broadcast media, which makes determining cross-ownership in the sector very hard - rates the area as a high risk one. Furthermore, MPM concludes that this lack of clarity does not permit a proper understanding of news media concentration in the country which is, consequently, also rated as high risk<sup>113</sup>.

**State advertising remains largely unregulated in law, but a set of guidelines have been elaborated.** The Cypriot Ministry of Interior has adopted a set of guidelines<sup>114</sup> geared at establishing a framework for the implementation of awareness raising and on advertising campaigns performed by the government's press and information office with a view to enhancing the transparency and foreseeability of the process. Though the impact of the recently adopted guidelines was not taken into account in its analysis, the Media Pluralism Monitor slightly raised the risk level for this area 'due to the general uncertainties and the lack of transparency surrounding the allocation of state resources'<sup>115</sup>.

**While the Law on the Cyprus Broadcasting Corporation (CyBC)<sup>116</sup> lays down rules on the governance and financing of the CyBC, several weaknesses have been identified.** The Law provides that the Chairperson, Vice-Chairperson and the members of the Governing Board shall be appointed by the Council of Ministers for a three-year period. The Governing Board decides on the appointment of the Director-General, a decision which is subject to approval by the Council of Ministers. The Council of Ministers may dismiss the entire Board or individual members thereon. While no criteria or incompatibility criteria regarding the appointment of the Governing Board are laid down in the above-mentioned law, the Law on Certain Legal Persons of Public Law<sup>117</sup> provides that academic and other qualifications, experience, social activity and contribution to society are taken into account for appointments in general. This leads the Media Pluralism Monitor to conclude that the fact that the criteria regulating the appointment of the governing board are broad is 'exploited by the government as well as by political parties'<sup>118</sup>. Furthermore, given that the dismissal of public law bodies

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<sup>109</sup> 2022 Media Pluralism Monitor, country report for Cyprus p. 11

<sup>110</sup> 2021 Rule of Law Report, Country Chapter on the rule of law situation in Cyprus, p. 10 and 2020 Rule of Law Report, Country Chapter on the rule of law situation in Cyprus, p. 9.

<sup>111</sup> Article 30A.

<sup>112</sup> 2022 Media Pluralism Monitor, country report for Cyprus, p. 12-13.

<sup>113</sup> Ibid.

<sup>114</sup> Adopted on 1 March 2022.

<sup>115</sup> 2022 Media Pluralism Monitor, country report for Cyprus, p.16.

<sup>116</sup> 'Law on the Cyprus Broadcasting Corporation', Chapter 300A, last amendment in 2021, 196/I/2021.

<sup>117</sup> 'Law on Certain Legal Persons of Public Law' (Appointment of Governing Councils), Law 149/1988.

<sup>118</sup> 2022 Media Pluralism Monitor, country report for Cyprus, p. 16.

in Cyprus occurs when a new President of the Republic is elected, can be seen as particularly problematic in the case of public service media. In the light of the fact that the law stipulates that state financing shall be the main revenue permitted for CyBC, the Media Pluralism Monitor highlights that this permits significant state and political party influence on CyB's operations<sup>119</sup> No safeguards or procedures exist for evaluating the fulfilment of CyBC's role. For all these reasons, the Media Pluralism Monitor considers the independence and funding of public service media to be an area presenting high risk<sup>120</sup>. A modernisation of the Law on the Cyprus Broadcasting Corporation as well as of the rules regulating the employment conditions of the organisation are being considered by the authorities<sup>121</sup>.

**A law aimed at providing a legal framework for press freedom has been tabled by the Government.** The draft Law on the Safeguarding of Freedom of the Press and the Operation of the Media in the Republic of Cyprus<sup>122</sup>, if adopted, would introduce provisions relating to electronic media, enshrine a code of practice in law and contain provisions geared at safeguarding the safety of journalists and other media workers. The Council of Europe's Platform to promote the protection of journalism and safety of journalists had published one alert since the publication of the 2021 Rule of Law Report, relating to the Republic of Cyprus. It concerned the violent attack on the offices of a television station during protests against newly introduced measures against the COVID-19 pandemic and mandatory vaccination. The attack was strongly condemned by the authorities and an investigation was promptly opened<sup>123</sup>.

#### **IV. OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES**

The Republic of Cyprus is a presidential representative republic. The President of Cyprus is both Head of State and Head of Government. The House of Representatives is the Parliament, which is vested with legislative power. Both representatives and ministers have the right of legislative initiative. Until the creation of a Supreme Constitutional Court, the Supreme Court is competent to assess the constitutionality of laws in the context of specific cases brought before it<sup>124</sup>. There are a number of national independent authorities, organisations and institutions that aim to protect and safeguard human rights.

**On 1 January 2022, Cyprus had 10 leading judgments of the European Court of Human Rights pending implementation<sup>125</sup>.** At that time, Cyprus' rate of leading judgments from the past 10 years that remained pending was at 71% and the average time that the judgments had

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<sup>119</sup> Ibid.

<sup>120</sup> Ibid.

<sup>121</sup> Ibid.

<sup>122</sup> Information received from the Ministry of Interior in the context of the country visit.

<sup>123</sup> Council of Europe, Platform to promote the protection of journalism and safety of journalists, Cyprus, Alert 150/2021.

<sup>124</sup> The creation of a Constitutional Court that will take over the constitutionality review of laws from the Supreme Court is planned (see Section I). Input from Cyprus for the 2021 Rule of Law Report and 2021 Rule of Law Report, Country Chapter on the rule of law situation in Cyprus, p. 11.

<sup>125</sup> The adoption of necessary execution measures for a judgment by the European Court of Human Rights is supervised by the Committee of Ministers of the Council of Europe. It is the Committee's practice to group cases against a State requiring similar execution measures, particularly general measures, and examine them jointly. The first case in the group is designated as the leading case as regards the supervision of the general measures and repetitive cases within the group can be closed when it is assessed that all possible individual measures needed to provide redress to the applicant have been taken.

been pending implementation was 2 years and 7 months<sup>126</sup>. The oldest leading judgment, pending implementation for 9 years, concerns the lack of remedy with automatic suspensive effect in deportation proceedings and absence of speedy review of lawfulness of detention<sup>127</sup>. On 1 July 2022, the number of leading judgments pending implementation remains 10<sup>128</sup>.

**Public consultation often does not take place at a sufficiently early stage of draft legislation and sometimes does not occur at all; however, efforts have been made to improve the quality of legislation.** As mentioned in the 2021 Rule of Law Report, open public consultation on pieces of legislation rarely takes place<sup>129</sup>. According to civil society organisations, the consultation process with civil society established as a practice<sup>130</sup> for some years – in the absence of a formal institutional framework – has been abandoned in the last two years or became a mere procedural formality<sup>131</sup>. However, with regard to the quality of legislation more generally, in September 2021 the Government adopted a policy framework accompanied by an action plan<sup>132</sup> aiming at simplifying legislation and with the purpose to reduce the administrative burden on citizens and businesses, modernising the public administration procedures and reducing bureaucracy. Through the action plan, which will be updated on a regular basis, the competent services would also promote different actions including better legislation and impact assessments of new legislative proposals<sup>133</sup>.

**A re-evaluation of the status of accreditation of the Ombudsperson (Commissioner for Administration and the Protection of Human Rights) will take place in October 2022<sup>134</sup>.** In June 2021 the Global Alliance of Human Rights Institutions (GANHRI) Sub-Committee on Accreditation decided to defer the re-accreditation application of the Ombudsperson for 18 months<sup>135</sup>. Specifically, GANHRI acknowledged the efforts made by the Commissioner to address its previous recommendations via her activities since its 2015 review<sup>136</sup> and encouraged the Commissioner to continue her efforts to promote and protect all human rights, as well as to strengthen the institutional framework and effectiveness. GANHRI noted,

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<sup>126</sup> All figures are calculated by the European Implementation Network and are based on the number of cases that are considered pending at the annual cut-off date of 1 January 2022. See the Contribution from the European Implementation Network for the 2022 Rule of Law Report, p. 34.

<sup>127</sup> Judgment of the European Court of Human Rights of 23 July 2013, *M.A. v. Cyprus*, 41872/10, pending implementation since 2013. Cypriot authorities notified the Committee of Ministers of the Council of Europe on measures taken by Cyprus for the execution of the judgment as of September 2021. The decision of the Committee of Ministers of the Council of Europe is still pending.

<sup>128</sup> Data according to the online database of the Council of Europe (HUDOC).

<sup>129</sup> 2021 Rule of Law Report, Country Chapter on the rule of law situation in Cyprus, p. 11.

<sup>130</sup> Including the commitment taken in the context of the Better Regulation Project and the respective circulars of the Ministry of Finance and the Law Office of the Republic. See: 2021 Rule of Law Report, Country Chapter on the rule of law situation in Cyprus, p. 11, 2020 Rule of Law Report, Country Chapter on the rule of law situation in Cyprus, p. 10 and OECD (2019), *Indicators of Regulatory Policy and Governance – Cyprus*.

<sup>131</sup> Contribution from KISA (Action for Equality, Support, Antiracism) for the 2021 Rule of Law Report, p. 20. See also written contribution received from the Cyprus Integrity Forum in the context of the country visit to Cyprus, p. 1.

<sup>132</sup> Decision No. 90.126/2021. Input from Cyprus for the 2022 Rule of Law Report, p. 21.

<sup>133</sup> *Ibid.*

<sup>134</sup> Information received from the Ombudsperson in the context of the country visit to Cyprus. The CY Ombudsperson is accredited with B-status by the GANHRI. 2020 Rule of Law Report, Country Chapter on the rule of law situation in Cyprus, p. 11.

<sup>135</sup> Global Alliance of Human Rights Institutions, Sub-Committee on Accreditation, Report on Cyprus, June 2021, pp. 34-37, <https://ganhri.org/wp-content/uploads/2021/08/EN-SCA-Report-June-2021.pdf>.

<sup>136</sup> Global Alliance of Human Rights Institutions (2015), Sub-Committee on Accreditation, Report on Cyprus, pp. 7-10.



among others, that Ombudsperson' Institution receives appropriate financial and technical resources to discharge its mandate and has management and control of its budget. GANHRI also reiterated specific recommendations regarding the Cyprus' Ombudsperson: on the formalisation of the selection and appointment procedures, on the pluralism in the composition of the Commissioner's office, on tenure and her mandate. On the issue of representativeness, the Ombudsperson underlined that the Institution tries to ensure a large representation of the society<sup>137</sup>. Between 2020 and 2021, the Ombudsperson received 2 500 complaints of which 600 were considered unfounded. According to the Ombudsperson, the large majority of the opinions based on these complaints has been implemented by the public administration<sup>138</sup>. In addition, the Ombudsperson promotes a Rule of Law culture by regularly organising awareness campaigns and regular interventions to end maladministration and human rights violations. In addition, the Ombudsperson has been conducting since March 2021 an awareness campaign in relation to the COVID-19 pandemic and the protection of human rights<sup>139</sup>.

**Efforts are being made to improve communication between civil society organisations and public authorities, while judicial proceedings are still ongoing regarding the registration and operation of an NGO.** The civil society space is considered to be open<sup>140</sup>. An ongoing project from the Ministry of Interior concerns the creation of a new platform to facilitate communication of the associations and other non-governmental organisations (NGOs) and state institutions with the relevant governmental services namely the Ministry of Interior. The purpose is to help them to fulfil their legal obligations, including registration procedures, and better access to fund raising<sup>141</sup>. The platform is scheduled to become fully operational in August 2022<sup>142</sup>. As regards the issue of the de-registration of certain NGOs referred to in the 2020 and 2021 Rule of Law Reports<sup>143</sup>, on 8 January 2021, after several unsuccessful administrative appeals, one NGO (KISA, Action for Equality, Support, Antiracism) filed an appeal before the Administrative Court<sup>144</sup> against the decision of the Minister of Interior rejecting its request for dissolution due to non-compliance with the provision with the new law<sup>145</sup>. The Administrative Court rejected the appeal on 10 June 2021

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<sup>137</sup> The Ombudsperson underlined that 70% of the Institution's staff are women and 10% of the posts are reserved for persons with disabilities in line with the GANHRI recommendation. In addition, in 2020-2021, four new staff members have been recruited and six additional vacant positions are set to be filled in 2022. Information received from the Ombudsperson in the context of the country visit.

<sup>138</sup> Information received from the Ombudsperson in the context of the country visit to Cyprus.

<sup>139</sup> A special page was created on the website of her Office with links to all the necessary information about the COVID-19 pandemic and its impact on fundamental rights in general. Ibid and input from Cyprus for the 2022 Rule of Law Report, p. 31 and p. 37. See also website of the Ombudsperson: [http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/index\\_en/index\\_en?opendocument](http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/index_en/index_en?opendocument).

<sup>140</sup> Rating by CIVICUS; ratings are on a five-category scale defined as: open, narrowed, obstructed, repressed and closed.

<sup>141</sup> Input from Cyprus for the 2022 Rule of Law Report, p. 29.

<sup>142</sup> Information received from the Ministry of Interior in the context of the country visit to Cyprus.

<sup>143</sup> 2020 Rule of law Report, Country Chapter on the rule of law situation in Cyprus, p. 11 and 2021 Rule of law Report, Country Chapter on the rule of law situation in Cyprus, p. 12.

<sup>144</sup> KISA is the only NGO which appealed before the Administrative Court against the administrative decision to refuse the registration of the organisation. Information received from KISA and the Cyprus Integrity Forum in the context of the Country visit to Cyprus. See also Franet (2022), Country research - Legal environment and space of civil society organisations in supporting fundamental rights - Cyprus, pp. 10-11.

<sup>145</sup> Observatory for the Protection of Human Rights Defenders of the World Organisation Against Torture, Report November 2021, p. 42.

on the grounds that the organisation did not fulfil the registration criteria<sup>146</sup>. That decision is now under appeal before the Supreme Court<sup>147</sup>.

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<sup>146</sup> Decision of the Administrative Court of 10 June 2021 in the case 25/2021. See Cyprus Bar Association website, [www.cyprusbarassociation.org](http://www.cyprusbarassociation.org).

<sup>147</sup> Information received from KISA in the context of the country visit to Cyprus.

## Annex I: List of sources in alphabetical order\*

\* *The list of contributions received in the context of the consultation for the 2021 Rule of Law report can be found at [https://ec.europa.eu/info/publications/2022-rule-law-report-targeted-stakeholder-consultation\\_en](https://ec.europa.eu/info/publications/2022-rule-law-report-targeted-stakeholder-consultation_en).*

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## **Annex II: Country visit to Cyprus**

The Commission services held virtual meetings in March 2022 with:

- Commissioner for Administration and the Protection of Human Rights (Ombudsperson)
- Cyprus Bar Association
- Cyprus Broadcasting Corporation
- Cyprus Integrity Forum
- Director of Judicial Reform and Training
- Ministry of Interior
- Ministry of Justice and Public Order
- Office of the Attorney General
- Office of Transparency and Prevention of Corruption
- Police - Internal Affairs Service
- Police - Office of Investigation of Financial Crimes
- Radio-Television Authority
- Press and Information Office
- Supreme Court

\*The Commission also met the following organisations in a number of horizontal meetings:

- Amnesty International
- Article 19
- Civil Liberties Union for Europe
- Civil Society Europe
- European Centre for Press and Media Freedom
- European Civic Forum
- European Federation of Journalists
- European Partnership for Democracy
- European Youth Forum
- Free Press Unlimited
- Human Rights Watch
- ILGA Europe
- International Federation for Human Rights (FIDH)
- International Press Institute
- Open Society European Policy Institute (OSEPI)
- Osservatorio Balcani e Caucaso Transeuropa
- Philea
- Reporters Without Borders
- Transparency International Europe