



**GRETA**

GROUP OF EXPERTS  
ON ACTION AGAINST  
TRAFFICKING IN HUMAN BEINGS

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**Report concerning the implementation  
of the Council of Europe Convention  
on Action against Trafficking in Human Beings  
by Cyprus**

SECOND EVALUATION ROUND

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## Preamble

The Group of Experts on Action against Trafficking in Human Beings (GRETA) has been set up pursuant to Article 36 of the Council of Europe Convention on Action against Trafficking in Human Beings ("the Convention"), which entered into force on 1 February 2008. GRETA is composed of 15 independent and impartial experts coming from a variety of backgrounds, who have been selected on the basis of their professional experience in the areas covered by the Convention. The term of office of GRETA members is four years, renewable once.

GRETA is responsible for monitoring the implementation of the Convention by the parties and for drawing up reports evaluating the measures taken by each party. In accordance with Article 38, paragraph 1, of the Convention, GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is to be based and defines the most appropriate means to carry out the evaluation. GRETA adopts a questionnaire for each evaluation round which serves as the basis for the evaluation and is addressed to all parties.

The first evaluation round was launched in February 2010 and the questionnaire for this round was sent to the parties according to a timetable adopted by GRETA, which reflected the time of entry into force of the Convention for each party. GRETA organised country visits to all parties in order to collect additional information and have direct meetings with relevant actors, both governmental and non-governmental.

Following the first round of monitoring, which provided an overview of the implementation of the Convention by each party, GRETA launched the second evaluation round of the Convention on 15 May 2014. During this new evaluation round, GRETA has decided to examine the impact of legislative, policy and practical measures on the prevention of trafficking, the protection of the rights of victims of trafficking, and the prosecution of traffickers. The adoption of a human rights-based approach to action against trafficking in human beings remains at the centre of the second evaluation round. In addition, particular attention is paid to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking. The questionnaire adopted by GRETA for the second evaluation round is sent to all parties which have undergone the first evaluation round, following a timetable approved by GRETA.

GRETA's reports are based on information gathered from a variety of sources and contain recommendations intended to strengthen the implementation of the Convention by the party concerned. In its recommendations, GRETA has adopted the use of three different verbs - "urge", "consider" and "invite" - which correspond to different levels of urgency of the recommended action for bringing the party's legislation and/or practice into compliance with the Convention. GRETA uses the verb "urge" when it assesses that the country's legislation or policy are not in compliance with the Convention, or when it finds that despite the existence of legal provisions and other measures, the implementation of a obligation of the Convention is lacking. In other situations, GRETA "considers" that it is necessary to make improvements in order to fully comply with an obligation of the Convention. By "inviting" a country to pursue its efforts in a given area, GRETA acknowledges that the authorities are on the right track.

As regards the procedure for the preparation of reports, GRETA examines a draft report on each party in a plenary session. The process of confidential dialogue with the national authorities allows the latter to submit, within two months, comments on GRETA's draft report with a view to providing additional information or correcting any possible factual errors. These comments are taken into account by GRETA when establishing its final report. The final report is adopted by GRETA in a plenary session and transmitted to the party concerned, which is invited to submit any final comments. At the expiry of the time-limit of one month GRETA's report, together with eventual comments by the party concerned, is made public and sent to the Committee of the Parties to the Convention.

## I. Introduction

1. The first evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings ("the Convention") by Cyprus took place in 2010-2011. Following the receipt of Cyprus' reply to GRETA's first questionnaire on 6 September 2010, a country evaluation visit was organised from 11 to 14 October 2010. The draft report on Cyprus was examined at GRETA's 9th meeting (15-18 March 2011) and the final report was adopted at GRETA's 10th meeting (21-24 June 2011). Following the receipt of the Cypriot authorities' comments, GRETA's final report was published on 12 September 2011.<sup>1</sup>

2. In its first evaluation round report on Cyprus, GRETA welcomed the adoption of comprehensive anti-trafficking legislation in the form of Law 87(I)2007 and the abolition of the so-called "artiste visas", which had previously facilitated trafficking of women for the purpose of sexual exploitation. However, GRETA was concerned that there had not been a single conviction for trafficking in human beings and that no victims had received compensation. GRETA considered that the Cypriot authorities should step up their efforts to address trafficking for the purpose of labour exploitation and strengthen co-ordination among government agencies and NGOs. GRETA urged the Cypriot authorities to closely monitor the application of the visa regimes for performing artists and other groups at risk, such as domestic workers, and to step up police and labour inspections with a view to proactively identifying and investigating cases of trafficking. GRETA also considered that measures should be taken to discourage demand for the services of trafficked persons. Furthermore, GRETA urged the authorities to review the victim identification system, and to ensure that safe and suitable accommodation is provided to victims and that they are granted a reflection period.

3. On the basis of GRETA's report, on 26 September 2011 the Committee of the Parties to the Convention adopted a recommendation to the Cypriot authorities, requesting them to report back on the measures taken to comply with this recommendation by 26 September 2013.<sup>2</sup> The report submitted by the Cypriot authorities was considered at the 12th meeting of the Committee of the Parties (7 October 2013). The Committee of the Parties decided to transmit the authorities' report to GRETA for consideration and to make it public.<sup>3</sup>

4. On 15 May 2014, GRETA launched the second round of evaluation of the Convention in respect of Cyprus by sending the questionnaire for this round to the Cypriot authorities. The deadline for submitting the reply to the questionnaire was 15 October 2014 and Cyprus submitted its reply on this date.<sup>4</sup>

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<sup>1</sup> Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Cyprus, first evaluation round:

[http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Reports/GRETA\\_2011\\_8\\_FGR\\_CYP\\_en\\_final.pdf](http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Reports/GRETA_2011_8_FGR_CYP_en_final.pdf)

<sup>2</sup> Recommendation CP(2011)2 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Cyprus, adopted at the 6th meeting of the Committee of the Parties on 26 September 2011: [http://www.coe.int/t/dghl/monitoring/trafficking/Docs/CommitteeParties/Recommendations/CP\\_2011\\_2\\_en.pdf](http://www.coe.int/t/dghl/monitoring/trafficking/Docs/CommitteeParties/Recommendations/CP_2011_2_en.pdf)

<sup>3</sup> Report submitted by the Cypriot authorities on measures taken to comply with Committee of the Parties Recommendation CP(2011)2 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings:

[http://www.coe.int/t/dghl/monitoring/trafficking/Docs/CommitteeParties/Reply\\_REC/CP\\_2013\\_12\\_CYP\\_RR\\_en.pdf](http://www.coe.int/t/dghl/monitoring/trafficking/Docs/CommitteeParties/Reply_REC/CP_2013_12_CYP_RR_en.pdf)

<sup>4</sup> Reply from Cyprus to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties, second evaluation round: [http://www.coe.int/t/dghl/monitoring/trafficking/Source/Public\\_R\\_Q/GRETA\\_2015\\_6\\_RQ\\_CYP.pdf](http://www.coe.int/t/dghl/monitoring/trafficking/Source/Public_R_Q/GRETA_2015_6_RQ_CYP.pdf)

5. In preparation of the present report, GRETA used the reply to the questionnaire by Cyprus, other information collected by GRETA and information received from civil society. An evaluation visit to Cyprus took place from 8 to 11 December 2014. It was carried out by a delegation composed of:

- Mr Nicolas Le Coz, President of GRETA;
- Ms Leonor Ladrón de Guevara y Guerrero, member of GRETA;
- Mr Mats Lindberg, Administrator in the Secretariat of the Convention.

6. During the visit, the GRETA delegation met officials from the Ministry of the Interior, the Ministry of Health, the Ministry of Labour, Welfare and Social Insurance, the Ministry of Justice and Public Order, the Ministry of Foreign Affairs, and the Ministry of Education and Culture. Discussions were also held with prosecutors, judges, parliamentarians and representatives of the Office of the Commissioner for Administration and Human Rights (Ombudsman) and the Office of the Commissioner for Children's Rights. Further, the GRETA delegation met the immigration police at Larnaca Airport.

7. Separate meetings were held with representatives of non-governmental organisations (NGOs), the Cypriot Bar Association, Trade Union Federations, the Employers and Industrialists Federation, the Union of Cypriot Municipalities and the Frederick University. The GRETA delegation also met officials from the local offices of the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR). GRETA is grateful for the information provided by them.

8. In the course of the visit, the delegation visited the State shelter for female victims of trafficking in Nicosia and the Menoyia Detention Centre for irregular Immigrants.

9. The list of the national authorities, NGOs and other organisations with which the delegation held consultations is set out in the Appendix to this report.

10. GRETA wishes to place on record the co-operation provided by the Cypriot authorities and in particular by Ms Maria Dritsou of the Ministry of the Interior, contact person appointed to liaise with GRETA.

11. The draft version of the present report was approved by GRETA at its 22nd meeting (16-20 March 2015) and was submitted to the Cypriot authorities for comments. The authorities' comments were received on 24 June 2015 and have been taken into account by GRETA when adopting the final report at its 23rd meeting (29 June - 3 July 2015). The conclusions summarise the progress made since the first report, the issues which require immediate action and the other areas where further action is needed (see pages 39-41). The final report covers the situation up to 3 July 2015; developments since that date are not taken into account in the following analysis and conclusions, except for updated statistical data on identified victims and convictions for human trafficking offences until 26 August 2015.

## **II. Main developments in the implementation of the Convention by Cyprus**

### **1. Emerging trends in trafficking in human beings**

12. Cyprus is essentially a destination country for trafficked persons, all but one of the identified victims of trafficking in human beings (THB) being foreign nationals. The number of identified victims of THB was respectively 52 in 2010, 40 in 2011, 37 in 2012, 30 in 2013, 42 in 2014, and 42 by 26 August 2015. Out of these victims, 70% were women, 26% men, and the remainder were children (seven girls and one boy). The main countries of origin of the victims were Vietnam, India, Bulgaria and Romania. While in the past the majority of the victims were trafficked for the purpose of sexual exploitation, the number of identified victims of trafficking for the purpose of labour exploitation has grown over the years: in 2013, they accounted for one-third of all identified victims, in 2014, for half of the victims, and in the first seven months of 2015, for two-thirds of all victims.

13. Following the abolition in 2008 by ministerial decision of the so-called "artiste" visas, which used to facilitate trafficking of women into Cyprus for the purpose of sexual exploitation, the number of cabarets has decreased drastically and now there are only a handful left in Cyprus. The number of officially identified victims of THB for the purpose of sexual exploitation has decreased somewhat in recent years, but there was unanimous agreement among GRETA's interlocutors that prostitution had moved to private flats and massage parlours where the rate of detection might be lower. Third-country nationals who previously came to Cyprus on "artiste" visas have reportedly been replaced by EU nationals, notably from Romania and Bulgaria, who do not need a visa to enter the country. Officials and civil society representatives met by GRETA have referred to other situations which may involve human trafficking, such as EU nationals pressured into "sham marriages" with third-country nationals, to enable the latter to obtain residence permits (see paragraph 72).

### **2. Developments in the legal framework**

14. The main legislative development since GRETA's first evaluation is the adoption, on 15 April 2014, of Law 60(I)/2014 on Prevention and Combating of Trafficking and Exploitation of Persons and the Protection of Victims, which provides the legal framework regarding the prevention and combating of trafficking and exploitation of human beings, as well as concerning victim protection. This law is aligned with Directive 2004/81/EC<sup>5</sup> and Directive 2011/36/EU<sup>6</sup> and replace previous legislation concerning trafficking in human beings, notably Law 87(I)2007.

15. In its first report, GRETA urged the Cypriot authorities to include in the legislation the aggravating circumstance of THB being committed by a public official in the performance of his/her duties, in accordance with Article 24 of the Convention. This aggravating circumstance is now stipulated in Article 13(e) of Law 60(I)2014.

16. Another point on which GRETA urged the authorities to improve the legislation concerned the irrelevance of the victim's consent to the intended exploitation. GRETA is pleased to note that there is a specific reference in Law 60(I)2014 to the irrelevance of the victim's consent.

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<sup>5</sup> Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who co-operate with the competent authorities.

<sup>6</sup> Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA [OJ L 101 of 15.4.2011].

17. In its first evaluation round report, GRETA expressed concern that the definition of “victim of THB” contained in Law 87(I)/2007 required that the person concerned had sustained damage or financial loss directly caused by the offence of THB. This requirement has been lifted in the corresponding definition in Law 60(I)2014.

18. A new feature of Law 60(I)2014 is that it penalises persons who use services provided by victims of trafficking if they should reasonably have been able to conclude or suspect that the service was provided by a victim of trafficking. Another development is that statements made by victims of trafficking to certain professionals or otherwise qualified persons (police officers, social services officers, psychologists, doctors, psychiatrists or members of NGOs) count as evidence in court.

19. Law 60(I)2014 includes special provisions concerning support and protection of child victims of trafficking, including in the context of criminal investigations. Another relevant new law is Law 91(I)/2014 on the Prevention and Combating of Sexual Abuse and Sexual Exploitation of Children and Child Pornography, which is a transposition of EC Directive 2011/93 on combatting the sexual abuse and sexual exploitation of Child Pornography, replacing Council Framework Decision 2004/68/JHA.

20. GRETA understands that it is very likely that Law 60(I)2014 will be amended to correct some unintended changes in provisions compared with Law 87(I)2007, such as the lowering of the maximum length of imprisonment for certain THB offences. The appointment of an “external evaluator” (an equivalent to a National Rapporteur) may also require amendments to the law (see paragraph 25).

21. Further, Law 126(I)2012 on the Establishment and Regulation of Private Employment Agencies and Related Matters has been adopted in order to provide for stricter rules to prevent employment agencies’ involvement in human trafficking offences (see paragraph 45).

22. **GRETA welcomes the adoption of a new comprehensive anti-trafficking law (Law 60(I)2014) which reflects the recommendations made in GRETA’s first report, as well as other relevant legislation, aimed at making anti-trafficking measures more effective.**

### **3. Developments in the institutional framework**

23. Under Law 60(I)/2014, as under Law 87(I)2007 before it, the Minister of the Interior is the National Co-ordinator against trafficking in human beings and in this capacity chairs the meetings of the Multidisciplinary Co-ordinating Group (MCG), which has been operating since 2008. The Group meets three to four times per year or more frequently if urgent issues need to be discussed. The Minister or any other member of the group may ask the Group to convene for extra sessions. Three officials of the Ministry of the Interior provide the secretariat to the group.

24. Since GRETA’s first evaluation report, two additional NGOs and a representative of the Union of Cyprus’ Municipalities have been added to the composition of the MCG. Currently the members of the MCG are: the Attorney General, the Chief of Police, the Permanent Secretaries of relevant Ministries (Justice and Public Order; Foreign Affairs; Labour, Welfare and Social Insurance; Education and Culture; Health), the Directors of the Department of Labour and Welfare and Social Insurance, Civil Registry and Immigration, and Social Welfare Services, the Head of the Asylum Service, a representative of the National Machinery for the Rights of Women, a representative from the Union of Cyprus’ Municipalities and representatives of four NGOs.<sup>7</sup> At present, these are the Mediterranean Institute of Gender Studies (MIGS), the Organisation for the Protection of Sexual Exploitation Victims (STIGMA), Cyprus Stop Trafficking (STOP Trafficking) and the Movement for Equality, Support and Antiracism (KISA).

<sup>7</sup> Law 13(I)/2012, which came into force in March 2012, provides that four, instead of two, NGOs participate in the Multidisciplinary Co-ordinating Group.

25. Article 67 of Law 60(I)/2014 provides for the appointment of an external evaluator, who is equivalent to a National Rapporteur and is responsible for completing the tasks mentioned in Article 19 of Directive 2011/36/EU. Pursuant to this provision, the external evaluator has to be an independent institution, organisation or person who specialises in and has adequate experience in issues relating to trafficking in human beings. The evaluator's tasks include studying trafficking trends, evaluating the results of action taken in Cyprus to combat trafficking in human beings, and gathering statistical data in co-operation with relevant institutions and NGOs. Preparations are underway for giving the mandate of external evaluator to the Commissioner for Human Rights and Administration. However, GRETA was informed that the current staff resources of the Human Rights Department of the Commissioner's Office (six persons) are insufficient to take on this additional role. Further, GRETA understands that this appointment would require an amendment of Law 60(I)2014 which currently foresees an open tender for the selection of an external evaluator. The National Action Plan for 2013-2015 envisages evaluations of its implementation by the external evaluator (midterm and final) and by the MCG (midterm and final). The Ministry of the Interior has requested data from relevant services to allow the MCG to perform its evaluations of the implementation of the NAP.

26. According to Law 60(I)2014, the only body that is competent to formally identify victims of trafficking is the Police Office for Combating Trafficking in Human Beings, which has been operational since 2004. In 2011 its staff increased from six to eight, and in 2015 it obtained four additional staff members, bringing the total staff complement to 12. The staff includes specialists in psychology, criminology and social work. In early 2015 the Office was given the task of investigating all THB offences throughout the country.

27. While Law 60(I)2014 provides the framework for dealing with trafficking victims, a national referral mechanism has not yet been adopted, though an advanced draft exists and is presently examined by the MCG (see paragraph 69).

#### **4. National action plans**

28. The implementation of the 2010-2012 National Action Plan (NAP) against Trafficking in Human Beings was evaluated in December 2012 and the results were fed into the 2013-2015 NAP, which was approved by the Council of Ministers on 10 April 2013. Many elements from the preceding NAP were retained in the 2013-2015 NAP, including elements which had not been implemented due to time restraints. It was agreed that the following should be reflected in the current NAP: 1) the European Union Strategy regarding trafficking in Human Beings, 2) the Directive 2011/36/EU and 3) the recommendations made by GRETA in its first evaluation round report on Cyprus.

29. The stated purpose of the 2013-2015 NAP is to provide a comprehensive anti-trafficking framework by setting pragmatic objectives covering all aspects of the problem and promoting concrete actions. The NAP contains nine chapters: "Co-ordination", "Prevention", "Identification and Recognition of Victims", "Protection and Support of Victims", "Suppression and Prosecution", "Data Collection", "Training", "International Co-operation" and "Evaluation". For each action envisaged in the NAP it is indicated which institutions are responsible and which public body should provide the funding. The NAP does not include the subject of trafficking in children because the Social Welfare Services of Cyprus are meant to develop a separate action plan on this issue.

30. In its first report, GRETA invited the Cypriot authorities to consider commissioning an independent external assessment of the implementation of the NAP. The Multidisciplinary Co-ordinating Group assigned the evaluation of the NAP to two working groups. The first group dealt with prevention, awareness raising and sensitisation, and was formed by representatives of the Ministry of the Interior, the Ministry of Education and Culture, the NGO Mediterranean Institute of Gender Studies (MIGS) and the NGO Cyprus Stop Trafficking. The second working group dealt with protection and victim support, and was composed of the Social Welfare Services, the Ministry of Health, the Asylum Service, the Police and the NGOs STIGMA and KISA. Since it was by and large the same stakeholders who contributed to the preparation of the 2010-2012 NAP and who after the assessment of the latter were asked to contribute to the 2013-2015 NAP, one may consider the exercise to have been self-evaluation. This should change following the appointment of the external evaluator (see paragraph 20). **GRETA welcomes the plans to conduct independent assessments of the implementation of the NAPs against trafficking in human beings, as a tool for assessing the impact of such work and for planning future policies and measures to combat human trafficking.**

## 5. Training of relevant professionals

31. According to Article 42 of Law 60(I)/2014, all public authorities whose staff might come into contact with victims or potential victims of trafficking in human beings have an obligation to train their staff on preventing THB, identifying victims and providing assistance, particular attention being paid to children. Labour inspectors, social service officers, medical professionals, diplomats, asylum and migration officers, police, prosecutors and judiciary are among such staff. The Ministry of the Interior does not have a fixed training budget but responds to training requests from relevant public authorities and so far funds have reportedly been found for every training requested.

32. The number of training sessions in 2014 was relatively low because the relevant public authorities were busy contributing to the preparation of new legislation. Nonetheless, the Ministry of the Interior and the US Embassy organised a two-day training session in November 2014 for prosecutors and police officers. In addition, a training programme was organised on 6-7 November 2014 by the Police Office for Combating THB with the participation of labour inspectors. The subject of this training was the identification of victims of THB during labour inspections with a view to achieving better understanding of labour inspectors' role in anti-trafficking efforts. Special focus was put on the indicators of THB, national legislation on THB, relevant ILO Conventions, as well as the definitions of trafficking in human beings and forced labour.

33. Further, in October 2014, a two-day training for police officers on THB and the new Law 60(I)2014 was held. In addition, specialised training is provided to members of the Community Policing and Criminal Investigation Department's officers. These training sessions include overall awareness-raising for frontline officers on trafficking issues, evolving trends, how to deal with possible victims detected during police operations and identification techniques. All training programmes are linked to the European Police College's (CEPOL) common curriculum. After the identification of training needs, the Police Office for Combating THB, in collaboration with the Cyprus Police Academy, prepares suitable specialised courses. Apart from these specialised programmes, training on THB issues is offered to all members of the Cyprus Police during basic or regular training programmes. It should also be noted that human trafficking as a theme is incorporated in the initial training of newly recruited police officers. Various aspects of how to recognise victims of trafficking and traffickers are also included in the training provided to staff of the Aliens and Immigration Department, including staff working at Larnaca and Paphos Airports.

34. Training for police officers and prosecutors was most recently provided in November 2014. It focused on victim and trafficker identification and on how to successfully bring cases of trafficking in human beings to court.

35. The Ministry of Labour and Social Insurance organised in November 2013 training addressed to private employment agencies. However, no training or other measures have been organised to increase the ability of commercial carriers to detect potential victims of trafficking,<sup>8</sup> notwithstanding the carriers' responsibility to check that passengers possess the necessary travel documents.

36. On 26 March 2015 the Ministry of the Interior organised a training intended for staff of the Ministry of Labour, Welfare and Social Insurance (labour officers, labour inspection officers, labour relations officers, social welfare officers), the Ministry of Health (medical and paramedical staff, including personnel from the mental health services) and the local authorities. The aim of the training was to provide information concerning human trafficking and the relevant legislation and referral procedures, to provide indicators that can assist in the detection of possible victims and to create synergies between the services.

37. Despite the above-mentioned training activities, GRETA notes that there is a continuing need to build the capacity of staff with a view to ensuring that trafficked persons are identified and assisted, and that THB offences are prosecuted and lead to convictions. **GRETA considers that the Ministry of the Interior, as the responsible ministry for organising and funding training, should systematically and in co-operation with NGOs and other civil actors organise training for different professional groups based on identified needs. Given the low rate of convictions for THB and the low number of compensations awarded to victims of THB, trainings for lawyers, prosecutors and judges should be organised on the effective use of the anti-trafficking legislation and compensation of victims. Furthermore, given the difficulties in identifying victims of THB for labour exploitation, particular efforts should be made to provide training to labour inspectors. Other relevant professionals, such as social workers, psychologists and medical staff, should also receive further training on identifying and interviewing victims of THB.**

## 6. Data collection and research

38. One of the tasks of the Police Office for Combating THB is to collect, process, evaluate and analyse information related to human trafficking and related offences. For this purpose, the Office maintains a regularly updated database with the help of a computerised programme introduced in October 2014, which contains information on possible victims of THB, identified victims and traffickers. The database helps to establish THB patterns and take preventive measures.

39. Cyprus has been involved in the EU-funded project entitled "Towards a pan-European monitoring system of trafficking in human beings", led by Portugal. The project started in April 2013 and its results were presented at an international seminar in Lisbon on 25-26 June 2015. In relation to this project, the 2013-2015 NAP foresees the compilation of quarterly reports with statistical data from all stakeholders, under the co-ordination of the Ministry of the Interior, for the purpose of creating an electronic database.

40. **GRETA commends the improvement made in data collection since the first evaluation and invites the Cypriot authorities to continue providing funding and support for improving data collection on THB.**

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<sup>8</sup> Letter of 21 January 2014 from MP Sofoclis Fittis, Chairman of the Cypriot Parliament's Standing Committee on Human Rights and Equal Opportunities for Men and Women and Head of the Cyprus delegation to the OSCE Parliamentary Assembly (PA), to Mr Christopher Smith, Special Representative for Human Trafficking to the President of the OSCE PA.

41. The National Machinery for Women's Rights (NMWR) has funds for grants to NGOs for carrying out research into sexual exploitation and trafficking in women, in line with the priorities of the National Action Plan on Gender Equality. By way of example, a grant was given to the NGO MIGS for a conference on THB and another grant to the same NGO for research on the demand side of THB. However, such grants are not given very frequently due to budgetary constraints and do not exceed 50 per cent of the total estimated budget for the activity, making some NGOs increasingly turn to other funding sources, such as the European Commission. According to the Cypriot authorities, the MCG can suggest topics for research for which Ministry of the Interior funds would be available. **GRETA considers that the Cypriot authorities should support research as an important source of information for future police measures in the field of action against THB.**

### **III. Article-by-article findings**

#### **1. Prevention of trafficking in human beings**

42. In its first report on Cyprus, GRETA urged the authorities to step up police and labour inspection controls of venues where victims of THB might be found, to adopt measures to address the increase in trafficking for labour exploitation, and to closely monitor the application of the visa regimes for performing artists. Further, it considered that the Cypriot authorities should plan future awareness-raising campaigns with the involvement of civil society, in the light of the assessment of the impact of previous awareness-raising measures and research, with an increased emphasis on changing social attitudes towards victims of THB.

##### **a. Measures to raise awareness of THB (Article 5)**

43. Since the first evaluation visit, several actions have been implemented in Cyprus as regards raising awareness on THB. A multi-language information card has been issued and is distributed to high risk groups at entry points, notably at the international airports of Larnaca and Paphos. Free showings of films and seminars have been organised for school teachers, students and soldiers. Furthermore, the Ministry of Education and Culture has included the topic of THB in school curricula, promoting discussions among students about what situations might constitute human trafficking. Efforts to raise awareness about THB have also been made by the private Frederick University whose representatives the GRETA delegation met. In November-December 2013 a nationwide radio campaign took place with the aim of sensitising the public regarding trafficking in human beings and discouraging demand for such services.

44. However, neither the Ministry of the Interior nor any other authority or civil society organisation have conducted evaluations of the impact of awareness-raising campaigns. **GRETA invites the Cypriot authorities to continue their efforts to raise awareness of THB and to design future actions in this area in the light of impact assessment of previous measures, focusing on the needs identified.**

**b. Measures to prevent THB for the purpose of labour exploitation (Article 5)**

45. In its first report on Cyprus, GRETA urged the Cypriot authorities to step up police and labour inspections aimed at identifying cases of labour exploitation. According to the Cypriot authorities, the adoption of Law 126(I)2012 on the Establishment and Regulation of Private Employment Agencies and Related Matters has been instrumental for applying stricter rules and better monitoring of private employment agencies, as well as preventing THB. The new Law sets conditions for natural and legal persons operating such private employment agencies, including that they must not have criminal records. The law prohibits charging employees for placement into employment and persons operating agencies are not allowed to run in parallel certain businesses, such as night clubs, bars or cabarets. Fines or imprisonment are foreseen for violations of the law. The Ministry of Labour, Welfare and Social Insurance (MLWSI) inspects the terms of employment and living conditions of foreign workers. However, officials of the MLWSI met during the visit indicated that it was difficult to detect THB by private employment agencies and that it was usually through complaints by customers that THB cases were detected. In addition, leaflets regarding the rights and obligations of foreign workers have been disseminated through Cypriot consular officers in potential countries of origin of trafficking victims.

46. The risk of work exploitation amounting to THB is likely to be higher among undeclared workers. Since April 2009, joint inspection units have been established in order to inspect enterprises for employees that are not registered with the Social Insurance Fund (undeclared work). These units consist of inspectors from the Social Insurance Services, the Department of Labour and the Department of Labour Relations. The Department of Labour Relations co-ordinates the work of these joint inspection units. From 2011 to 2013, the joint inspection units have found some 300 undeclared workers per year and slightly fewer irregular migrants. By far the highest number of undeclared workers was found in the construction industry, while agriculture is the sector with the greatest numbers of irregular migrants employed. Other sectors in which undeclared workers and irregular migrants have been found are the hotel and accommodation industry and the food and beverage industry.

47. In the first evaluation report, GRETA considered that the Cypriot authorities should take into account the THB-related risk inherent in any rules that tie migrant workers to their employers. Presently, only third-country nationals from countries with which there is established co-operation with designated private employment offices are allowed to enter Cyprus as domestic workers. Because the latter are considered a vulnerable target group, it is also a prerequisite that they speak English or Greek. Until recently, domestic workers were obliged to work a certain time with the same employer, but a ministerial decision simplified the procedures for changing employers and removed the minimum time requirement. **GRETA welcomes the relaxation of the regime for overseas domestic workers and invites the Cypriot authorities to evaluate the effectiveness and impact of the amended procedures.**

48. According to the staff of the Office of the Commissioner for Administration and Human Rights, there are some 30 000 migrant women employed as domestic workers in Cyprus. At least until recently their presence and working conditions were considered exclusively as a migration control matter and not one of labour rights. The Commissioner has received many complaints about severe exploitation of domestic workers.<sup>9</sup> GRETA was informed that complaints lodged by domestic workers tend to be treated as a disagreement between employer and employee and that in practice, it is difficult for foreign domestic workers to prevail in a legal dispute with their employers. The Commissioner for Administration and Human Rights has made several proposals to amend labour law and practice in this regard, but so far to no avail.

49. From 2011 to 2014, 11 cases of suspected THB among domestic workers were investigated by the Cypriot police, leading to 17 persons being identified as victims of THB. GRETA was informed that labour inspectors have the right to inspect private households, but in practice they almost never do. **GRETA considers that labour inspectors should use their mandate to make inspections in private households with a view to preventing abuse of domestic workers and detecting cases of THB**

50. **GRETA urges the Cypriots authorities to increase their efforts to prevent THB for the purpose of labour exploitation, in particular by strengthening the supervision of private employment agencies, stepping up labour inspections of sectors known to be prone to undeclared work and/or THB, and strengthening protection measures for domestic workers.**

#### **c. Measures to prevent trafficking in children (Article 5)**

51. In Cyprus, all children have to be registered at birth and birth certificates are issued by the District Administration Offices. In order to register a new-born child, an application form should be completed and signed by the doctor who delivered the child and a copy is kept at the hospital's/clinic's records, while another copy is sent to the competent district administration office by the hospital/clinic, and a third copy is given to the child's parents, in order for them to submit it to the Competent District Administration Office. The registration of the child can take place in any District Administration Office, regardless of the child's birth place. Birth certificates can be issued if the citizen's relevant details are registered in the civil registration system.

52. According to representatives of the office of the Commissioner for Children's Rights, some children may be at risk of THB due to loopholes in the Civil Registry Law and current administrative practices. This risk mainly exists when the parents' residency status is irregular and because of that they are afraid to contact the Registry Office. There is a 150 euro fine for a birth registration carried out later than three months following birth. The Ministry of the Interior is preparing amendments to the relevant legislation in order to reduce the risk of any child trafficking in this context, while it reports that no cases of child THB as a result of lacking registration have been identified. **GRETA invites the Cypriot authorities to review the administrative procedure as regards the registration of children at birth with a view to ensuring that no children remain unregistered and thus at risk of THB.**

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<sup>9</sup> In 2011, 1175 complaints from third-country nationals were examined by the Department of Labour Relations, out of which 989 complaints concerned domestic workers, and 186 workers in other sectors of the economy. The corresponding figures for 2012 were 1126 complaints from third country nationals, with 911 complaints concerning domestic workers, and 215 in other sectors of the economy. In 2013 there were 823 complaints from third-country nationals; 678 concerned domestic workers and 145 other sectors of the economy, notably agriculture. The MLWSI has established a mechanism for resolving complaints, specifically designed to address the needs of migrant workers. At each District Labour Relations office, any individual or group of persons, irrespective of whether they are Cypriots, EU nationals or third-country nationals, can benefit from the complaints mechanism procedure. The aim is to resolve the labour dispute in a mutually beneficial way.

53. As regards awareness-raising among children and young people, the Ministry of Education and Culture has indicated that THB is discussed in the context of in the "Health and education" part of the curriculum, which includes a section on gender and human rights. Labour exploitation and slavery are also to some extent discussed in the context of history education. Some 800 teachers have been trained to use the comic strip "Not for Sale" developed by the Council of Europe for children and some teachers took part in a workshop on labour exploitation.

54. As regards the prevention of THB for the purpose of adoption, GRETA was informed that social welfare officers had received some training in co-operation with the Ministry of the Interior. New legislation is reportedly being drafted concerning private adoptions. **GRETA considers that the Cypriot authorities should review the draft legislation concerning private adoptions to ensure that there is effective prevention of THB.**

**d. Measures to prevent trafficking in human beings for the purpose of organ removal (Article 5)**

55. The removal and transplant of organs in Cyprus is regulated by Law 127(I)/2012, according to which organ removal organisations are nominated by the Minister of Health and organ removals are supervised by the Ministry of Health. The basic principles of organ donation are prescribed by the law, including the prohibition of financial incentives. The Transplants Council, appointed by the Council of Ministers in August 2012, is the relevant authority to implement Directive 2010/53/EU<sup>10</sup> regarding the quality and security standards of human organs that can be transplanted.

56. The Transplant Council consists of 10 members: a representative of the Ministry of Health (President), the Director of the Transplant Centre, a transplant co-ordinator,<sup>11</sup> two representatives of patients' organisations, a specialised doctor, a representative of the National Bioethics Committee, a lawyer of the Pancyprian Association of lawyers, a representative of the Pancyprian Medical Association and a representative of a recognised histocompatibility and immunogenetics laboratory. The Transplant Council receives administrative support from the Ministry of Health, but is otherwise completely independent. In 2008, the Cyprus Police initiated the investigation of a case in which a Syrian asylum seeker had been promised 22 000 euros for one of his kidneys, but when the transplant took place, he received only 8500 euros. As the transplant took place in 2007 before the first anti-trafficking law (87(I)2007) entered into force, the person who arranged the transplant deal could not be convicted of THB. No other cases of trafficking in organs have been reported and since its creation in 2013, the Transplant Council has not come across any suspected cases of THB.

**e. Measures to discourage demand (Article 6)**

57. The Cyprus Pedagogical Institute of the Ministry of Education and Culture organises training seminars and conferences for teachers on the issues of human rights, sociolinguistic diversity, citizenship, gender equality, and health education. In addition, trainings in schools and army camps concerning trafficking in human beings have been taking place.

58. A nationwide radio campaign launched in November-December 2013 aimed to discourage demand through raising awareness about trafficking in human beings and sensitising the public. Other actions have involved film showings and the dissemination of leaflets.

<sup>10</sup> Directive [2010/53/EU](#) of the European Parliament and of the Council of 7 July 2010 on standards of quality and safety of human organs intended for transplantation.

<sup>11</sup> Assigned by the Minister of Health, to co-ordinate all procedures regarding the identification of the organ donor, the supply of organs and the handling of organs for transplants.

59. The current legislation regarding public procurement, Law 12(I)/2006, in its Article 51 states that a person or legal entity is disqualified from participating in a public procurement if there has been a conviction against him/her regarding participation in a criminal organisation, bribe, fraud or legalising money that come from illegal activities. According to Law 60(I)/2014, the court can order that a legal person convicted of offences criminalised by this law be excluded from public grants or state aid (Article 24). New legislation is being drafted in order to transpose Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement, which will reportedly provide that the grounds for exclusion from a procurement procedure include participation in a criminal organisation, corruption, child labour and human trafficking.

**60. GRETA considers that the Cypriot authorities should strengthen their efforts to discourage demand for the services of trafficked persons, for all forms of exploitation, in partnership with civil society and the private sector.**

**f. Measures to prevent forced marriages**

61. According to the Cypriot authorities, there have been a number of cases of foreign women trafficked to Cyprus for the purpose of forced or "sham" marriages (see paragraph 72). Apart from general awareness-raising measures about THB, no preventive measures concerning specifically THB for the purpose of forced or "sham" marriage have been reported by the Cypriot authorities. The Civil Registration and Migration Department of the Ministry of the Interior has issued a circular on the issue of "sham marriages". In case of suspicion about the authenticity of a marriage, the Director of the Civil Registry and Migration Department can examine the case in line with Article 7a of the Aliens and Immigration Law cap 105 (1959).

**2. Measures to protect and promote the rights of victims, guaranteeing gender equality**

**a. Identification of victims of THB (Article 10)**

62. In its first report on Cyprus, GRETA stressed the importance of ensuring that clear instructions are given to all relevant officials involved in the identification of victims of THB in order to avoid any *de facto* link between the identification of victims and their willingness to co-operate with the authorities. GRETA urged the Cypriot authorities to review the identification system for victims of THB and invited them to consider establishing a national referral mechanism focusing on victims' needs and covering all aspects of the identification and assistance process, including protection and redress.

63. Articles 44 and 45 of Law 60(I)/2014 set out the referral procedure for victims of THB, which is essentially the same as that provided for under the preceding Law 87(I)2007. According to this procedure, any governmental department, service or NGO which comes across possible victims of THB has to refer them to the Social Welfare Services whose responsibility it is to provide victims with information on their rights. Possible victims are then referred to the Police Office for Combating THB, which is the competent authority performing formal identification of victims. Sometimes many rounds of interviews are required before it can be established whether a person is a victim of trafficking.<sup>12</sup> When a possible victim of trafficking is identified, the Police Office for Combating THB sends a letter to the Migration Officer through the Immigration Department of the Police to inform them about the identification. In parallel, it sends a letter to the Social Welfare Services. The victim must be offered a reflection period of at least one month (two months for children), which can be renewed, in order to decide whether to co-operate with the authorities. Once a person has been identified as a victim or possible victim of THB, no deportation orders can be enforced.

<sup>12</sup> In 2012, the Police Office for Combating THB interviewed 103 persons as possible victims of THB (37 of whom were identified as victims); in 2013, it interviewed 129 possible victims (30 were identified as victims);

64. The Police Office for Combating THB uses formalised indicators for reaching a reasonable grounds decision and ensures that they are known throughout the all Police Departments. The indicators are as follows: a) there is restriction of movement; b) the working conditions (adverse) and duration (long) of labour are imposed by other(s), and there is no space for negotiation on behalf of the victim; c) his/her earnings are withheld (either partially or entirely); d) s/he has been molested and/or raped; e) her/his return home is controlled by other(s); f) s/he is being threatened with retaliation in case s/he attempts to escape, and the threats may also be directed against his\her family; g) s/he is being intimidated and this is used alternatively or additionally to violence employed for controlling him/her; h) s/he has been employed through false promises and thereafter forced into prostitution; i) the person who has been recruited knows that s/he will offer paid sex but is not informed of the bad working conditions, i.e. total control of her/his movements and forced prostitution; j) s/he is subjected to psychological pressure by the trafficker who exploits the victim's economic hardship. The indicators and their use are explained in detail in a police manual recently issued by the Police Office for Combating Trafficking in Human Beings. The manual also includes guidance on how to identify traffickers and on how to proceed when victims of THB are identified.

65. Further, all police officers have been provided with a pocket-size identification manual on human trafficking. The Police Office for Combating THB sends circulars to the relevant departments in order to ensure that police officers apply the prescriptions of these manuals in a uniform fashion and also delivers training in co-operation with the Police Academy (see paragraph 33).

66. With a view to encouraging self-identification, immigration officials stationed at entry points provide foreign nationals arriving in Cyprus with performance or employment visas with leaflets which list the main indications of trafficking for sexual and labour exploitation.

67. According to Article 46 of Law 60(I)2014, the Police Office for Combating THB upon identifying a victim of trafficking issues the person with a "certificate of identification". This is provided to both third-country nationals and EU nationals. The design of these certificates was agreed by the competent authorities in early 2015 and the first certificates were issued in March 2015. The certificate helps victims of THB access their rights and is valid for one month, with possible renewals.

68. When possible victims of THB are found, their physical safety is secured first. If the victim is female and has been sexually exploited, she is placed in the State shelter (see paragraph 78) or is offered suitable accommodation elsewhere (e.g. by NGOs). Through a series of interviews conducted in a friendly and informal environment by specialised members of the Police Office for Combating THB and a clinical psychologist, the victim's self-confidence and sense of security are rebuilt and s/he receives information necessary for deciding on co-operation with the police and the judiciary. In interviewing and assessing victims, the Police Office for Combating THB takes into account the impact of trauma upon victims' ability to assist the police investigations and judicial proceedings.

69. While Law 60(I)2014 provides the framework for dealing with trafficking victims, a national referral mechanism has not yet been adopted. A manual on the National Referral Mechanism (NRM) has been revised so as to be aligned with Law 60(I)/2014 and will be submitted to the Council of Ministers for approval. It will have the status of secondary legislation, describing the procedures to be followed at all stages and in more detail than Law 60(I)2014. Every public service is to provide training to its staff on the NRM manual.

70. Victims of THB might be detected during the application for asylum as part of the screening procedure or interview with the competent asylum officer. The Asylum Service co-operates with the police in identifying possible victims of trafficking and has established an Initial Screening Process (ISP) of applications for international protection through which victims of THB may be identified. When they have reasonable grounds to believe that an asylum seeker may be a victim of THB, s/he is referred to the Social Welfare Services in order to be informed about their rights before being referred to the Police Office for Combating THB for an interview. GRETA notes that the UN Committee against Torture (CAT) in its 16 June 2014 report on Cyprus stated that the Cypriot authorities should urgently improve the screening system introduced by the Asylum Service to ensure that effective measures are in place to identify as early as possible victims of torture and trafficking, and provide them with immediate rehabilitation and priority access to the asylum determination procedure.<sup>13</sup> Under a special support plan signed in 2014, the European Asylum Support Office (EASO) provides support for improving the screening system of the Cypriot Asylum Service, which should allow for better identification of victims of THB. Further, new draft legislation is to be examined by the Cypriot Council of Ministers with a view to transposing Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection and Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection.

71. Migrants constitute a group vulnerable to labour law violations, including such amounting to THB.<sup>14</sup> NGOs met by GRETA were of the opinion that there is little political will to look into labour exploitation because there is a demand for low-wage workers in the labour market. According to NGOs, there is a culture of "the employer is always right" and if victims of labour exploitation complain, they face the risk of being deported (see paragraph 48). The Ministry of the Interior has investigated these allegations but found no evidence in support of them. GRETA stresses the positive obligation of States to protect victims or potential victims of trafficking, as well as the procedural obligation to investigate trafficking, established by the European Court of Human Rights in its judgment in the case of *Rantsev v. Cyprus and Russia*, in which the Court held that "...the spectrum of safeguards set out in national legislation must be adequate to ensure the practical and effective protection of the rights of victims or potential victims of trafficking. Accordingly, in addition to criminal law measures to punish traffickers, Article 4 requires member States to put in place adequate measures regulating businesses often used as a cover for human trafficking. Furthermore, a State's immigration rules must address relevant concerns relating to encouragement, facilitation or tolerance of trafficking."<sup>15</sup>

72. Between 2010 and August 2014, about 20 women were formally identified as victims of trafficking for the purpose of sham marriage. They were EU nationals deceived or forced to marry third-country nationals, with a view to enabling them to acquire residence in the EU. The women were sometimes offered free holidays in Cyprus and were subsequently threatened and/or locked up before the wedding. Some of them were reportedly sexually exploited.

**73. GRETA notes the increasing number of identified victims of THB, including the growing number of victims trafficked for the purpose of labour exploitation. GRETA commends the fact that no link is made between the victim's co-operation in the investigation/prosecution and his/her identification as a victim of THB and entitlement to assistance and protection.**

<sup>13</sup> Concluding observations of the CAT fourth report of Cyprus (CAT/C/CYP/CO/4) of 16 June 2014, page 5.

<sup>14</sup> See the 4th on Cyprus by the European Commission against Racism and Intolerance (ECRI - CRI(2011)20), in particular paragraphs 2, 89 and 92.

<sup>15</sup> *Rantsev v. Cyprus and Russia*, no. 25965/04, ECHR 2010, paragraph 284.

74. **With a view to ensuring that all victims of THB are identified as such and referred to assistance, GRETA considers that the Cypriot authorities should:**

- **finalise as a matter of priority the adoption of the manual on the National Referral Mechanism;**
- **ensure multi-agency involvement in the decision-making process leading to the identification of victims of trafficking, by giving a formal role in the identification process to frontline actors such as labour inspectors, social workers, officials dealing with asylum applications and irregular migrants, medical staff and relevant NGOs;**
- **increase their efforts to proactively identify victims of THB for the purpose of labour exploitation, including among irregular migrant workers and domestic workers, and reinforce the role of labour inspectors.**

**b. Assistance measures (Article 12)**

75. In its first report on Cyprus, GRETA urged the Cypriot authorities to ensure that safe and suitable accommodation is provided for all victims of THB. It also considered that the Cypriot authorities should make further efforts to provide adequate assistance to all victims of THB, in particular psychological support, access to education, vocational training and the labour market.

76. Pursuant to Article 54 (1) of Law 60(I)2014, a victim of trafficking has the right to the forms of assistance described in Article 47 of the same law both before and after the issuance of a temporary residence permit or registration certificate, regardless of whether the victim co-operates with the prosecuting authorities or not. The assistance is provided to all victims regardless of their gender, citizenship or ethnicity.

77. According to the authorities, as soon as the Social Welfare Services are informed about an identified victim of trafficking, they appoint a social worker to follow the case and organise assistance for the victim, securing accommodation as a first step. The Social Welfare Services are obliged to co-ordinate the necessary actions for financial and other support to victims. The procedure is the same for victims of THB for the purpose of sexual, labour or any other form of exploitation, but the accommodation provided may differ depending on the victim's needs.

78. The State shelter for victims of trafficking in Nicosia has a capacity of 15 places and since its opening in 2007 has accommodated a total of 238 victims. As a rule, it accommodates only female victims of sexual exploitation, for a maximum of four weeks, unless the victim's needs and circumstances require a longer stay. In practice, when the victims themselves or NGOs have not been able to arrange accommodation elsewhere after the expiry of one month, victims remain in the shelter for longer periods of time. If there are no female victims of sexual exploitation in need of accommodation, the shelter remains on stand-by, though once during a period with no such victims, 15 female unaccompanied minors were exceptionally accommodated at the shelter.

79. There are nine staff members working at the shelter. Interpreters can be called in when needed as can specialists, e.g. psychologists. Accommodation at the shelter is voluntary and victims sign a form agreeing to comply with the rules of the shelter. After seven days at the shelter, victims are allowed to go outside, but this is rather discouraged because of the risk of renewed contacts with the traffickers. If possible, a volunteer accompanies the victims outside the shelter. According to many interlocutors met by the GRETA delegation, victims choose not to stay at the State shelter because they feel locked in and there are no programmes of activities to fill their time. Victims receive 17 euros per week while staying in the shelter and many are keen on getting to work as soon as possible.

80. Though it has been possible for NGOs to open official shelters for victims of THB since 2008 and to receive some financial state support for this, no NGOs have applied for such support or to officialise the status of existing shelters. GRETA was informed that the NGO Stop Trafficking operates a shelter. Further, the NGO Hope for Children operates a shelter for unaccompanied minors under the age of 18, in which child victims of trafficking who have applied for asylum can be accommodated. In addition, the NGO Wellspring Association and the NGO Freedom Dolls operate shelters for victims of trafficking.

81. Until recently, the Social Welfare Services provided financial support to male victims of trafficking which included a component for accommodation expenses, as well as to female victims who did not wish to stay in the State shelter. This practice changed in July 2014 with the entry into force of the Law on Minimum Guaranteed Income (Law 109(I)/2014), according to which victims of trafficking are eligible for a guaranteed minimum income which amounts to 480 euros per month, on top of which support towards covering accommodation costs is added. Under the new scheme, victims' earnings from gainful employment no longer result in the complete end of public financial support, but the amount earned is taken into account when calculating the support, which can be progressively decreased depending on the income.

82. Following the entry into force of the Law on Minimum Guaranteed Income, there was a large number of applications submitted from different categories of persons (about 15 000 according to civil society representatives), causing delays in the granting of support. According to civil society representatives, it could take up to five months for the administrative procedures for the granting of financial and other forms of support to victims, and in the meantime, victims of trafficking for the purpose of labour exploitation did not receive any assistance. According to the Cypriot authorities, victims of THB are prioritised among the applicants and the administrative procedures for granting support currently take three to four weeks from the application date.

83. Victims of THB reportedly need to attach a copy of their rental contract and bank account details to their applications for rental support. In practice, for a victim to get a rental contract without financial support is as difficult as is opening a bank account without a passport – landlords are hesitant to rent to tenants dependent on State support as it may entail delays in payments and victims' passports are usually held by the police. The authorities informed GRETA that there are no particular actions required from victims of trafficking to apply for financial support under the Law on Minimum Guaranteed Income and that until their applications are approved, they continue to receive financial support from the Social Welfare Services.

84. According to civil society representatives, victims of THB for the purpose of labour exploitation are sometimes provided with hotel accommodation directly paid by the Social Welfare Services, especially if there is a group of victims, but such accommodation is not always provided to single victims. A number of interlocutors met by GRETA referred to delays in delivering assistance, or even non-delivery of parts of it, as one of the main shortcomings in the assistance system and emphasised that it made victims vulnerable to further trafficking and abuse.

85. The Cypriot authorities recognise that in practice there have been cases in which the issuance of the necessary documentation as regard's a victims' status has been delayed, and as a result identified victims have faced difficulties in accessing their rights, especially in cases where they were in need of medical treatment. According to the authorities, the Social Welfare Services have some emergency financial support funds at their disposal to be used for addressing urgent needs of victims, though civil society representatives claim that these funds are used sparingly.

86. According to Article 47 of Law 60(I)2014, any trafficking victim who holds a temporary residence permit or certificate of identification, including those whose stay in the country was irregular before identification, has the right to access the labour market through the Public Employment Services in the same way as Cypriot citizens. During the last four years, 75 victims of THB were registered with the Employment Services (44 in 2011, 9 in 2012, 17 in 2013 and 5 in 2014), while 34 persons were referred to employers (22 in 2011, 4 in 2012 and 8 in 2013).

87. However, GRETA was informed that many employers are not aware that victims of trafficking have the right to work or are reluctant to employ them due to the complex rules regarding the employment of migrant workers. Victims of trafficking only get residence permits for six months at a time, called "visitor visas", which makes employers even more disinclined to employ them, though victims of trafficking who can provide evidence of offered employment are issued employment permits. A victim of THB who refuses the employment offered reportedly risks losing the different forms of assistance to which such victims are entitled, though this claim is denied by the authorities.

88. GRETA commends the fact that the private Frederick University, in co-operation with the NGO Stop Trafficking, supports victims of trafficking by making scholarships available for them which enables them to pursue studies.

**89. GRETA stresses that the provision of timely assistance to victims of trafficking is essential for encouraging victims to remain in Cyprus for long enough to serve as witnesses in trials against traffickers and once again urges the Cypriot authorities to ensure that safe and suitable accommodation is provided for all victims of THB, according to their needs.**

**90. Further, GRETA considers that the Cypriot authorities should make efforts to develop the programme of activities offered to victims of THB staying at the State shelter. GRETA also invites the authorities to develop public-private partnerships with a view to creating appropriate work opportunities for victims of trafficking.**

### **c. Identification and assistance of child victims of THB (Articles 10 and 12)**

91. Officials of the Social Welfare Services, the Immigration Department and other institutions who may come into contact with child victims have the obligation to notify the Police Office for Combating THB if they have reasonable grounds to believe that a child is a victim of THB. The child would be interviewed by specialised staff of the Police Office in the presence of a representative of the Social Welfare Services. Article 38 of Law 60(I)/2014 prescribes that interviews with children must take place without undue delay, in appropriate places, and must be conducted by people of the same sex as the child and be as limited as possible in number and duration. GRETA was informed that from 2010 to 2014, a total of five children were identified as victims of THB.<sup>16</sup> In 2015 (until 26 August), two girls and one boy were identified as victims of THB.

92. During the identification procedure, the child would be accommodated in a children's home run by the State or a NGO. There are currently no specialised shelters for child victims of trafficking in Cyprus and the authorities argue that this is due to the fact that there are very few cases of trafficked children.

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<sup>16</sup> In 2010, two child victims of THB from Cameroon were identified by the Police Office for Combating THB and they were repatriated after their identification. In 2011, one child from Cameroon was identified as a victim of THB and she has remained in Cyprus. In 2014, a Bulgarian child was identified as a victim of THB and she currently lives with her family in Cyprus, and a child from Cyprus was also identified as a victim of THB.

93. The Social Welfare Services co-operate with NGOs, including the International Social Service (ISS), in order to locate the child's family and reunite him/her with his/her family, as long as it is in the best interests of the child. Furthermore, the Social Welfare Services co-operate with the Asylum Service, within the framework of the Dublin Regulation, for the purpose of reunification with family members of the child within the EU.

94. The Commissioner for Children's Rights' concerns noted in the first GRETA report, that unaccompanied irregular migrant minors are at risk of becoming victims of THB, were repeated during GRETA's second visit. Those among them who are not asylum seekers remain in custody until travel documents have been issued. The official figures on the number of unaccompanied minors in holding centres for irregular migrants or refugees are often inaccurate and the Commissioner for Children's Rights has published a report and made public statements in this regard, stating that a part of the problem is that the migration legislation is not sufficiently detailed. The UNHCR office in Cyprus shares these concerns as regards unaccompanied children, especially those of Somali or Syrian origin. The immigration unit of the police is not always sufficiently attentive as regards detecting possible child victims of trafficking who may end up at the Mennoya facility near Larnaca Airport where irregular migrants are kept pending deportation. According to civil society representatives met by GRETA, there are no identification procedures for child victims of trafficking among irregular migrants and asylum seekers. The UNHCR office in Cyprus has pointed out that children seeking asylum are subject to the same legal aid rules as adults and have to prove "merit", i.e. chances of being successful in their claims, which is almost impossible to prove.

95. Amendments made to the Refugees Law 9(I)/2013 transferred the task of legal representation for unaccompanied minor asylum seekers from the Commissioner for Children's Rights Office to the Director of the Social Welfare Services, acting "in person or through an officer of his Office". Article 41 of Law 60(I)2014 provides that an unaccompanied minor who is a victim of trafficking will be represented by the Director of the Social Welfare Services, for the exercise of his or her rights in the framework of the penal procedures and investigation, in co-operation with the Commissioner for Children's Rights. In his or her role as guardian the Director of the Social Welfare Services co-operates with all relevant authorities in order to assess the situation of the child and take appropriate measures for his/her (re)integration. If it is not in the best interests of the child to be returned to his/her family, the child is placed in foster or institutional care. However, GRETA notes that the 2014 Report of the Commissioner for Children's Rights regarding the primary treatment of unaccompanied minors stresses that the Social Welfare Service staff cannot, because of the nature of their responsibilities, and/or due to the fact that they do not have legal training, provide legal advice and protect the rights of unaccompanied minor asylum seekers. Moreover, the Social Welfare Services cannot apply to the Legal Service to appoint lawyers acting on their behalf, since the Attorney General is the legal adviser and lawyer representing the Administration in general, before which the claim of an unaccompanied child will be examined.

96. According to Article 49 of Law 60(I)/2014, when there is uncertainty regarding the age of the victim and there are reasons to believe that he/she is a child, the victim is presumed to be a child. Ministry of Health representatives met by GRETA indicated that age verification can be performed with the help of X-rays and dental examination, but so far it has never been done.

97. **GRETA urges the Cypriot authorities to:**

- **take measures to ensure that the procedure for the identification and referral to assistance of child victims of THB takes into account the special needs and circumstances of children, which should include the setting up of a specific referral mechanism for children involving child specialists, child protection services and specially trained police officers and prosecutors;**
- **ensure that child victims of THB benefit from the assistance measures provided for under the Convention, including appropriate accommodation, legal guardianship, access to psychological support and legal assistance.**

**d. Protection of private life (Article 11)**

98. According to Article 47(2) of Law 60(I)/2014, the private life and identity of victims are protected by every governmental service or NGO involved, and the processing of their personal data takes place according to the provisions of the Protection of Personal Data Law 138(I)/2001. One main principle included in the law is that sensitive personal data must only be seen and handled by a limited number of people. For example, all information about victims of THB in files held by the Asylum Service is confidential and no details are stored in any electronic database except basic data. The police do not reveal any information that would jeopardise in any way the security and safety of the victims, for example written statements by victims do not contain their contact details. The hard copies of written statements are stored in secure lockers and the digital files in which those statements are saved are stored on a desktop computer that is not connected to the Internet and which can encrypt sensitive data. The Social Welfare Services do not reveal any information about the identity of any case they deal with including cases of child victims of trafficking.

**e. Recovery and reflection period (Article 13)**

99. In its first report, GRETA urged the Cypriot authorities to strictly apply the reflection period of at least one month to all persons for whom there are reasonable grounds to believe that they may be victims of THB. Further, GRETA urged the authorities to provide trafficked persons with information on their legal rights, including the reflection period.

100. According to Article 45(5) of L 60(I)/2014, each victim of THB, regardless of whether an EU or third-country national, is entitled to a reflection period of at least one month (two months for children) to escape the influence of the traffickers and decide whether or not to co-operate with the prosecution. The Police Office for Combating THB interviews possible victims of trafficking and submits an application to the Director of the Civil Registry and Migration Department of the Ministry of the Interior for the granting of a temporary residence permit for the duration of the reflection period for third-country citizens, and in the case of EU citizens, the issuance of a temporary registration certificate. GRETA commends the availability in law of the reflection period to all victims of THB, regardless of nationality.

101. According to Article 45(5) of L 60(I)/2014, each victim of THB, regardless of whether an EU or According to statistics provided by the Cypriot authorities, a total of 18 persons were granted a reflection period between 2011 and August 2014, including 6 in 2013 and 7 in 2014. The victims were mostly from Bulgaria, Romania and the republic of Moldova. An explanation given by the authorities for the low number of reflection periods granted is that the Police Office for Combating THB has been successful in achieving the victims' agreement to co-operate almost immediately after the first interview, thus rendering the reflection period unnecessary. Once a person has been identified as a possible victim, no deportation order can be enforced and the reflection period is not needed to guarantee the right to stay in Cyprus. Moreover, the reflection period granted to female victims in practice involves staying at the State shelter which, as noted in paragraph 79, victims prefer to avoid.

**102. GRETA invites the Cypriot authorities to review the reasons for the low number of reflection periods granted and to make sure that the reflection period is offered to all persons for whom there are reasonable grounds to believe that they may be victims of THB.**

**f. Residence permits (Article 14)**

103. According to Article 55(1) of Law 60(I)/2014, at the latest upon the expiry of the temporary residence permit or the temporary registration certificate (i.e. at the end of the reflection period), the prosecuting authorities have to inform the Minister of the Interior whether the victim has expressed a clear intention to co-operate. In the affirmative case, and if the victim has ceased all contacts with the suspected traffickers, the certificate of identification is replaced by a residence permit valid for six months, granted by the Civil Registry and Migration Department upon the approval of the Minister of the Interior. The residence permit may be renewed.

104. Further, pursuant to Article 56(3) of Law 60(I)/2014, the Minister of the Interior may grant a victim of THB a temporary residence permit or a temporary registration certificate beyond the reflection period, if that is in the interest of the victim due to humanitarian or other reasons. An assessment of the personal situation of the victim must be submitted to the Minister of the Interior. So far five victims of trafficking have been granted residence permits on the basis of this provision.

105. From 2011 to 2013, four victims of trafficking were given refugee status in Cyprus (three women and one girl). According to the UNHCR Office in Cyprus, most victims of trafficking who seek asylum have been subjected to sexual exploitation. Most of them are women from African countries such as Nigeria and Cameroon and they tend to disappear before the authorities have processed their cases.

106. In the case of child victims of trafficking, a temporary residence permit is issued as rapidly as possible.

**107. GRETA welcomes the possibility for victims of trafficking to be granted a renewable residence permit on the basis of their personal situation, as well as for the purpose of co-operating in the investigation/prosecution. GRETA considers that the Cypriot authorities should keep under review the practical implementation of the legal provisions concerning the issuing of residence permits to victims of THB and the extent to which residence permits are granted because of the personal situation of the victim.**

**g. Compensation and legal remedies (Article 15)**

108. In its first report on Cyprus, GRETA urged the Cypriot authorities to increase their efforts to provide information and legal assistance to victims of THB about their right to file a claim for compensation against the trafficker, and to ensure that victims have effective access to legal aid in this respect. Further, GRETA urged the Cypriot authorities to make the State compensation system accessible to all victims of THB, irrespective of their nationality and residence status.

109. According to Article 36 of Law 60(I)/2014, any victim, regardless of his/her willingness to cooperate with the authorities in the criminal investigation, prosecution or trial, shall have access to legal advice and legal representation and the right to claim compensation. If the victim does not have sufficient financial resources, s/he has the right to free legal aid under the Legal Aid Law.

110. The Social Welfare Services must provide information to each victim of trafficking regarding the terms on which s/he can be given legal advice and/or legal representation, as well as information regarding compensation, in a language the victim can understand. According to Article 32(1) of Law 60(I)/2014, during their first contact with the victim the police must also provide all the necessary information, in a language the victim understands, about what kind of support s/he can seek in relation to the legal processes and what her or his rights are as regards compensation, including in the event that s/he resides outside Cyprus.

111. Pursuant to Article 35 of Law 60(I)/2014, a victim of trafficking is entitled to claim compensation from the perpetrators, including for special or general damages and any unpaid salaries. When calculating the amount of general damages, the court takes into account the following: a) the extent of the exploitation and the profit the perpetrator made or could have made from exploiting the victim, b) the future prospects of the victim and to what extent they were affected by his/her exploitation, c) the degree of culpability of the perpetrator, d) the relationship to or the level of authority or influence of the perpetrator in relation to the victim. The court may also award punitive damages. When calculating special damages it takes into account any expenses sustained by the victim as a result of the exploitation, such as repatriation costs. In the event of the death of the victim, the parents or the dependants of the victim have a legal right to compensation.

112. Compensation can be granted by decision of a criminal court judge as a form of punishment of convicted perpetrators, however, there are no examples of such compensation in the context of THB cases. In criminal courts victims of THB are seen solely as witnesses and do not have the right of representation by a lawyer of their own, their interests being represented by the responsible prosecutor. Compensation is dealt with almost exclusively by civil courts where victims are entitled to free legal representation by the State, but no victims of THB have been awarded compensation from the perpetrators, suggesting that it is in practice very difficult for victims of trafficking to claim and obtain compensation.

113. In its first report on Cyprus, GRETA considered that the Cypriot authorities should facilitate the victims' stay in Cyprus so that they can testify and exercise their right to compensation and redress. Pursuant to Article 60 (b) of Law 60(I)2014, victims can remain in the country for a reasonable time after the completion of the criminal proceedings in order to claim for compensation. The maximum duration of civil proceedings is not regulated in law and a civil cases concerning compensation may last several years. Although it is legally possible for victims of THB residing abroad to claim compensation in Cyprus on the basis of the fact that the exploitation took place there, in practice foreign nationals cannot afford to pursue a civil claim from their home countries because of the financial cost, whereas remaining in the country for the duration of civil proceedings is problematic, both from a residence permit and a financial point of view.

114. The right of persons who have become victims of trafficking as adults to claim compensation in civil courts expire 10 years after the relevant facts, or 15 years after any final court decision in the matter (according to the Civil Statute of Limitations, Law 66(I)/2012). The right of a person who has become a victim of THB as a child to claim compensation does not expire.

115. Article 62 of Law 60(I)2014 provides for the creation of a fund to support victims of trafficking, in which any fines imposed upon perpetrators as well as the proceeds from confiscations are to be deposited. The authorities are considering amending the law to allow money raised through fines issued to legal persons to be put into the victim support fund, as well as donations, grants and possibly also funds of the Ministry of the Interior. The victim support fund has not yet been created though the Ministry of the Interior has prepared a draft regulation for the fund and submitted it to the Law Office of the Republic for approval, after which it will be submitted to the Council of Ministers. According to the provisions of Law 60(I)2014, the victim support fund shall compensate victims who cannot be compensated by the perpetrators. However, such compensation is apparently going to be provided only if civil claims for compensation are pursued and fail.

116. **GRETA welcomes the provision in Law 60(I)2014 on the creation of a fund to support victims of trafficking in human beings, including its use as a source of compensation for victims. Considering the current difficulties for victims of trafficking to receive compensation from perpetrators, GRETA urges the Cypriot authorities to:**

- **set up as a matter of priority a victim compensation fund and consider allocating state funds to it in addition to income from fines, confiscations and donations;**
- **amend the legislation with a view to ensuring that State compensation is not conditional on failure to obtain compensation through civil proceedings;**
- **adopt measures to facilitate access to compensation from the perpetrators, by ensuring that victims of trafficking have effective access to legal aid, building the capacity of legal practitioners to support victims to claim compensation, including compensation into existing training programmes for law enforcement officials and the judiciary, and encouraging prosecutors to request compensation orders to the largest possible extent.**

#### **h. Repatriation and return of victims (Article 16)**

117. In its first report on Cyprus, GRETA urged the Cypriot authorities to develop a clear institutional and procedural framework for the return and repatriation of victims of THB, having regard to their safety, protection and dignity and in order to avoid their re-victimisation.

118. According to Article 52 of Law 60(I)/2014, deportation measures shall not be taken against any victim of THB who is an EU national, nor against any member of his/her family of any nationality, even if conditions linked to EU free movement of persons, such as sufficient means to support oneself, are not fulfilled. Third-country nationals shall not be deported during the identification procedure or the reflection period, neither during judicial proceedings nor any medical, including psychological, treatment. As a rule, victims of trafficking are repatriated either after the reflection period if they decide not to co-operate with the prosecution authorities or after the conclusion of judicial proceedings.

119. The Police Office for Combating THB has to conduct a risk assessment before any planned repatriation and may as a result advise against repatriation. In this context, there is collaboration with Interpol and Europol, and before repatriation takes place, the authorities of the receiving country are informed in order to take all necessary measures for the protection of the victim. Pursuant to Article 60 of Law 60(I)/2014, an individualised assessment has to be conducted by the prosecuting authorities and the health services as to whether the victim can be repatriated in a safe manner and while respecting his or her interests and in view of successful social reintegration in the home country. The assessment of whether a victim can be repatriated includes an examination and subsequent report by the Mental Health Services, as prepared by a clinical psychologist. If the outcome of the assessment is affirmative, the Minister of the Interior decides that the victim will be repatriated. The repatriation is organised by the Social Welfare Services, often in co-operation with a NGO.

120. The repatriation is organised and paid for by the Social Welfare Services. NGOs co-operate with the Social Welfare Services as regards repatriation by preparing victims of trafficking psychologically and taking practical matters for the return, including by contacting NGOs in the country of origin who could support the victim on arrival. As a rule, a representative of the Social Welfare Services and/or an NGO bring the victim to the airport and assist with departure procedures, but the victim takes the flight alone.

121. According to information provided by the Cypriot authorities, since 2011, 44 identified victims of THB have been repatriated at their own request and four have been included in a rehabilitation programme run by a NGO in the UK. One victim was deported to her country of origin in July 2013 on grounds of irregular residence; however, taking into consideration the fact that she had already submitted a request to the Ministry of the Interior for obtaining a residence permit before deportation, her details were removed from the list of persons whose entrance in Cyprus is forbidden and therefore she can return to Cyprus in the future, provided that legal procedures for obtaining an entry permit are followed. There have been no cases of non-voluntary return of child victims of THB.

**122. While acknowledging the progress made since its first report, GRETA considers that the Cypriot authorities should continue to take steps to ensure that the return of victims of THB is conducted with due regard to their rights, safety and dignity, including the right to *non-refoulement* (Article 40 (4) of the Convention).**

**i. Gender equality (Article 17)**

123. Apart from the fact that all available protection and assistance measures for victims of THB is provided on equal terms, the staff of the Police Office for Combating THB during interviewing sessions with victims puts a lot of effort into empowering the victims, especially women and girls. The aim is to help the victim recover from victimisation, gain confidence and become able to participate in judicial proceedings. As noted previously, there is a State shelter in which female victims of sexual exploitation can reside and receive psychological support. Male victims and female victims of labour exploitation are assisted to find accommodation suited to their needs in hotels or flats.

124. Combating all forms of violence against women, including trafficking in human beings, was one of the six priority areas of the National Action Plan on Gender Equality 2007-2013. In the Strategic Plan on Equality between Women and Men 2014-2017, which was adopted in December 2014, there is a chapter on combating violence against women, including human trafficking and exploitation of women.

### 3. Substantive criminal law

#### a. Criminalisation of THB (Article 18)

125. In its first report on Cyprus, GRETA urged the Cypriot authorities to include in the anti-trafficking legislation the aggravating circumstance of THB committed by a public official in the performance of his/her duties.

126. Article 2 of Law 60(I)/2014 defines trafficking in human beings as “the recruitment, hiring, transportation, transfer, harbouring, reception or sheltering of persons, including the exchange or transfer of control or power over that person, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or a position of vulnerability, or the giving or receiving of payments or benefits or allowances to achieve the consent of a person having control over another person for the purpose of exploitation”.

127. Exploitation is defined as “the exploitation of the prostitution of others or other forms of sexual exploitation, including pornography, labour exploitation or other services, including forced labour or services, begging, forced peddling” and, in the case of children, it also includes the worst forms of child labour within the meaning of the ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. The definition of exploitation also includes slavery or practices similar to slavery, servitude, exploitation of criminal activities, exploitation of a person to conduct an adoption, and exploitation of a person for removal, sale and trafficking of human organs or other biological substances, tissue and fetuses.

128. GRETA notes that the definition of THB under Cypriot law has become more comprehensive compared with the definition in the preceding Law 87(I)2007, and is in compliance with the Convention.

129. According to Law 60(I)/2014, an “abuse of a position of vulnerability” occurs when a victim is in a situation in which there is no real or acceptable alternative and the victim must undergo or succumb to a particular abuse. The non-exhaustive list of criteria for evaluating the vulnerability of a person as set out in the police manual for identifying victims of human trafficking includes: a) difficult family situation; b) difficult personal situation (psychological); c) irregular status; d) lack of education; e) language barrier; f) economic hardships; g) cultural barriers; h) religious engagements; i) dependence on the exploiters.

130. The Cypriot authorities have indicated that the victim’s position of vulnerability was used by traffickers in a number of cases to trap the victims into exploitation. In a recent criminal court decision on a trafficking case involving sexual exploitation (*Republic of Cyprus v. Danail Naydenov*<sup>17</sup>), the Criminal Court gave an interpretation of “abuse of a position of vulnerability”. The court, in the absence of any relevant domestic case law, made reference to Dutch case law, according to which for an act to constitute “abuse of a position of vulnerability” and “misuse of authority” it must arise from the actual state of affairs and two factors must be proved: the existence of such a situation and awareness of that situation on the part of the suspect. The Dutch case law in question concerned a case of the Hague District Court from 17 February 2010 involving five victims, two of whom were minors; following a psychological examination, it was established that one of the adults functioned at a very low level of intelligence and consequently the court found that the existence of a vulnerable position had been proven.

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Criminal Court Decision number 23076/2013.

131. According to the Cypriot authorities, forced marriage can be considered as a THB offence as it falls under the legal definition in Law 60(I)2014 of the exploitation of a person for other criminal activities. To establish forced marriage as a THB offence the above law needs to be read in conjunction with Article 150 of the Criminal Code, according to which anyone using coercion persuades another to marry against her or his will, is guilty of a misdemeanour. However, nobody has yet been convicted of forced marriage.<sup>18</sup>

132. Referring to the definition of THB in Law 60(I)2014 the Cypriot authorities consider the exploitation of a person to take part in an adoption process as a THB offence (also see paragraph 54). An example could be a mother pressured into giving her child for adoption and thereby being exploited. There have been cases of pregnant Bulgarian women offered payment by traffickers in order to travel to Cyprus to leave their children for adoption. In Cyprus, the exchange of money for the purpose of adopting a child is prohibited. Private adoptions, i.e. adoptions where public authorities (or publicly regulated and licenced agencies) are not doing the matching between child and adoptive family, are allowed under current legislation, though legal amendments in this respect have been discussed. The Hague Convention for the Protection of Children and Co-operation in Respect of the Inter-country Adoption (Ratification) Law from 1994 and the Adoption Law from 1995, include provisions for the protection of children at risk of being subjected to illegal adoptions.

133. Pursuant to Law 60(I)/2014, the trafficking of a person for the purpose of forced begging is criminalised. Already before the entry into force of Law 60(I)2014, the Law on Children stipulated that forcing children to beg was an offence where done by a parent/guardian. No cases of THB for the purpose of forced begging have so far been identified in Cyprus.

**b. Criminalisation of the use of services of a victim (Article 19)**

134. A new feature of Law 60(I)2014 is that it criminalises the use of services provided by victims of trafficking where their client should reasonably have been able to conclude or suspect that the service was provided by a victim of trafficking (Article 17). There is still no case law under this provision.

**c. Corporate liability (Article 22)**

135. According to Article 23 of Law 60(I)/2014, a legal person is liable for the offences stated in this Law when these are committed for its benefit, by any person acting either individually or as part of a body of the legal person, who has a leading position within the legal person, based on: a) a power of representation of the legal person, or b) an authority to take decisions on behalf of the legal person, or c) an authority to exercise control within the legal person. Without prejudice to this provision, a legal person may be held liable for the offences stated in Law 60(I)/2014 where the lack of supervision or lack of control by a person referred to in this provision has made possible the commission of the said offences for the benefit of that legal person by a person acting under its authority. The liability of a legal person does not exclude the criminal prosecution of natural persons acting as perpetrators, instigators or accomplices in the offences covered by Law 60(I)/2014.

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<sup>18</sup> Unless sentences for other forms of exploitation in which there has been a forced marriage component are taken into account, but no such sentences have been given under THB legislation or for forced marriage *per se*.

136. Further, according to Article 24(1) of Law 60(I)/2014, a legal person convicted for an offence established in this law is liable to a monetary fine not exceeding 600 000 euros and the court may, in addition to any other sentence, order: a) temporary or permanent exclusion from entitlement to public benefit or aid; b) temporary or permanent disqualification from the practice of commercial activities; c) placement under judicial supervision; d) dissolution of the legal person; e) temporary or permanent closure of establishments used for committing the offence; f) confiscation of any object or means used in committing any offence established in this Law. GRETA was informed that from 2011 to 2013 there were three cases of private companies investigated for labour exploitation where a number of Indians and one person from Sri Lanka were identified as victims of THB by the Police Office for Combatting THB. All three cases were still pending trial at the time of the adoption of this report.

**d. Non-punishment of victims of trafficking in human beings (Article 26)**

137. As was already the case at the time of GRETA's first evaluation when Law 87(I)2007 was in force, the new anti-trafficking law 60(I)2014 in its Article 29 provides that victims of THB are not to be prosecuted and subject to sanctions for their involvement in criminal activities, if they were a direct consequence of the fact that the persons were victims of THB. Third-country nationals who are victims of THB within the meaning of this Law are not prosecuted for the offences of unlawful entry, unlawful residence, unlawful employment or employment contrary to the terms of employment, as defined in the Aliens and Immigration Law cap 105 (1959). The non-punishment provision in Law 60(I)2014 differs from that in the previous Law 87(I)2007 to the extent that there is no requirement that violence, coercion or abuse of power have been used.

138. According to judges of the Cypriot Assize Court<sup>19</sup> met by the GRETA delegation, even before the entry into force of the new anti-trafficking law the Attorney General's practice was not to prosecute victims for offences directly related to their status as victims of THB. A number of examples have been provided where the Attorney General dismissed cases against victims of THB or did not charge them for illegal entry and residence in Cyprus. By way of example, in 2011 the Police opened a case against a Romanian woman for causing serious body injuries to her employer who ran a pub. The case was submitted to court but subsequently the woman was recognised as a victim of trafficking and the case against her was dismissed, while another case was opened against her employer for trafficking for the purpose of sexual exploitation. In another case a Romanian victim of THB for the purpose of sexual exploitation was travelling in a car driven by a client; as she did not have her seat belt on, the traffic police pressed charges against her. The Police Office for Combating THB asked the Attorney General to suspend the case as the woman's presence in that car was the result of her situation as a victims of trafficking and the case was suspended.

**139. GRETA welcomes the legal provisions and practice in Cyprus as regards the implementation of the non-punishment provision of the Convention.**

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<sup>19</sup> The Cypriot Assize Court has unlimited jurisdiction to hear and determine at first instance any criminal case. In practice only criminal cases where the sentence provided by law for the offence in question exceeds five years' imprisonment are brought before the Assize Court.

## 4. Investigation, prosecution and procedural law

### a. Measures related to ensuring effective investigations (Articles 1, 27 and 29)

140. The Police Office for Combating THB has acted as the co-ordinating body of all police departments regarding the investigation of THB cases and since February 2015, it carries out all investigations into suspected THB offences.

141. Article 21(1) of Law 60(I)/2014 stipulates that the prosecution of THB cases may proceed even if the victim withdraws his/her complaint or leaves the country. As regards in particular children, Article 34(7) of Law 60(I)/2014 provides that when the victim is a child, the prosecution may proceed even if he/she does not submit a complaint or withdraws his/her complaint. When the investigation is completed, the Police are obliged to make recommendations regarding the prosecution of the case. The Attorney General evaluates the evidence and decides whether the case should be presented before the court. This principle applies also to cases where the victim does not wish to testify as a witness.

142. The use of special investigative techniques is regulated by Law 11(III)/2003, which is a transposition of the requirements of the UN Convention against Transnational Organised Crime. Undercover agents are used in possible cases of THB. Informants are also used and if an informant is involved in a crime, they can negotiate with the Attorney General for leniency in exchange for co-operation. With a valid search warrant issued by a competent court, searches can be carried out at any time of day or night in any premises, including private households. The Cypriot Constitution prohibits phone tapping. Subject to a court order, the Police can access telecommunication data such as phone numbers called by the suspect, the approximate location from which the call was made and the identity of the subscriber of the phone number used. It was not entirely clear at the time of the adoption of this report whether the police are allowed to access electronic communication (e-mails), but draft legislation to clarify these matters has been prepared by the Ministry of Justice and will be presented to Parliament **GRETA considers that the Cypriot authorities should amend the legislation pertaining to the right of the police to access electronic communications, given that a large proportion of communications nowadays are electronic.**

143. As regards the possibility of blocking websites used to facilitate the recruitment of victims of trafficking or the dissemination of child pornography, the Cypriot authorities have referred to Law 91(I)/2014 on preventing and combating sexual abuse and sexual exploitation of children and child pornography, which provides for blocking access to websites containing or disseminating child pornography for internet users residing in Cyprus. **GRETA invites the Cypriot authorities to consider adopting legislation enabling the blocking of websites used to recruit victims of THB or to offer their services, in accordance with international legal obligations and human rights standards.**

144. GRETA was informed that financial investigations had been conducted as part of the investigation of almost all recent THB cases. The operational guide disseminated to all police districts refers to financial investigation as one of the actions which should be carried out by investigators. The importance of financial investigation as regards THB is also stressed by the European Multidisciplinary Platform against Criminal Threats (EMPACT) in which Cyprus is a co-leader together with the Netherlands as regards anti-THB action. The Cyprus Financial Intelligence Unit (MOKAS) is a law enforcement agency which falls under the auspices of the Attorney General and is composed of prosecutors, police officers, customs officers, financial analysts and administrative staff. Its main function is the receipt and analysis of Suspicious Activity Reports (SARs) from financial institutions and professionals. MOKAS sends and receives international requests via Egmont, FIU NET and other law enforcement channels. In addition, MOKAS is the Asset Recovery Office of Cyprus. It co-operates with the Police in the investigation of criminal cases when there is a need to apply the measures of freezing of criminal proceeds. GRETA was informed that there had been instances in which court orders were issued for freezing assets in cases of THB. Because THB is a serious criminal offence punishable by more than one year of imprisonment, the Law on Prevention and Suppression of Money Laundering Activities applies and criminal assets can be frozen and confiscated.

145. In its first report on Cyprus, GRETA invited the authorities to conduct a thorough assessment of the effectiveness of Law 87(I)2007 and its limited application to prosecute traffickers. As noted in paragraph 14, Law 87(I)2007 was replaced by Law 60(I)2014, but before that happened, the number of prosecutions and convictions under Law 87(I)2007 remained very low. GRETA was informed that from 2011 to 2014 there were 67 police investigations under the anti-trafficking legislation and 42 under related provisions of the Criminal Code.<sup>20</sup> During the same time period, there were a total of 13 convictions involving 17 individuals under the anti-trafficking legislation, mainly concerning THB for the purpose of sexual exploitation. In some of the more recent convictions, sentences of respectively 8 and 13 years of imprisonment were handed down. Further, GRETA notes that on 20 August 2015 the Limassol District Court convicted 13 persons for trafficking in human beings, the prison sentences ranging from six months to three years.

146. To secure a conviction, prosecutors often prosecute THB cases for offences under the Criminal Code, such as "living on the earnings of prostitution", as it is difficult to successfully prosecute under the anti-trafficking law. Amongst the difficulties in prosecuting THB cases are the fact that key witnesses are no longer in the country and the lack of credibility of some witnesses.

147. A victim's testimony significantly increases the likelihood of reaching a conviction and therefore victims are encouraged and psychologically supported to participate in the investigation and contribute to the judicial proceedings. Pursuant to Article 33 of Law 60(I)2014, victims who co-operate with the prosecuting authorities by being witnesses in a penal procedure are compensated by the State for any expenses incurred due to their participation. However, in cases where the victims are not willing to co-operate with the police or where for safety reasons their co-operation is not advised, the police try to investigate cases without the victims' involvement. A victim who wishes to co-operate with the prosecution authorities is protected from unnecessary interviews during the investigation, prosecution and trial. The court, after assessing the personal situation of the victim, is supposed to ensure that further victimisation is prevented.

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One and the same case is often investigated under different crime headings, i.e. from the Criminal Code and anti-trafficking legislation, and the conviction may also be based on paragraphs from both laws.

148. The Cypriot authorities have referred to a number of difficulties in identifying and prosecuting cases on the ground of trafficking for the purpose of forced labour or services, slavery and practices similar to slavery or servitude. The element of coercion in forced labour is often not clear and victims of forced labour rarely complain. There is sometimes a thin line between trafficking and violations of the labour legislation. However, there have reportedly been some successful cases. By way of example, in 2008 a Philippine woman was referred to the Police Office for Combating THB by an NGO as a potential victim of THB for the purpose of labour exploitation. She was interviewed and identified as a victim of trafficking. The case was investigated by the police and submitted before the Nicosia District Court. In August 2013 the employee of the private employment agency who had recruited the victim was convicted to 10 months' imprisonment for labour exploitation, forgery of an employment contract, obtaining a working permit of an alien and forgery of an application to obtain temporary residence of an alien. In 2011, the Criminal Investigation Department of the Police Headquarters investigated another case involving a private employment agency. In this case, a man from Pakistan was identified as a victim of trafficking for the purpose of labour exploitation. The case was submitted before the Nicosia District Court and on 23 January 2013 a Cypriot man was convicted of forgery of documents and was given a suspended sentence of seven months' imprisonment.

149. As explained in paragraph 148, two convictions of THB in relation to private employment agencies have been handed down by courts. However, the convicted persons were working in employment agencies and the employment agencies as companies were not prosecuted. In one case the agency's operating licence had been suspended long before the police investigation and in the second case the agency never had a licence.

**150. GRETA considers that the Cypriot authorities should encourage the Office of the Attorney General to use the provisions of Law 60(I)2014 to prosecute cases of THB rather than relying on the provisions of the Criminal Code. In this context, GRETA considers that the Cypriot authorities should further develop the specialisation and training of prosecutors and judges with a view to securing effective, proportionate and dissuasive sanctions.**

**b. Protection of victims, witnesses and collaborators with the judicial authorities (Articles 28 and 30)**

151. Victims of THB who decide to co-operate with the prosecution authorities and are witnesses in criminal proceedings are eligible for protection under Law 95(I)/2001 on Protection of Witnesses. Article 5 of this law provides for special protection measures for witnesses during court proceedings, such as holding the trial behind closed doors, use of special screens and CCTV. Article 16 provides for the establishment of a programme for the protection of witnesses and collaborators of justice, under the control and supervision of the Attorney General, who decides on the specific protection measures to be applied. According to Article 17, the Attorney General ensures that appropriate measures are taken for the protection of the victim or for the victim's family when appropriate or for individuals connected to family members. This protection continues after the end of the criminal proceedings.

152. In addition, according to Article 34 (5) of Law 60(I)/2014, the law enforcement authorities ensure that effective and appropriate protection against potential revenge or intimidation is provided to the following persons: a) any witness other than the victim who gives a statement regarding a criminal offence under the anti-trafficking law; b) where necessary, to a member of the family of the victim and the individuals mentioned above. The prosecuting authorities also take all necessary measures to provide adequate protection from potential retaliation or intimidation, especially during and after investigation and prosecution for offences stated in the said law, to members of organisations, institutions, associations and NGOs who act in the interests of or assist victims. In cases where a serious danger to the witness is established, his or her identity can be changed.

153. In this context, female victims of sexual exploitation are offered accommodation at the State shelter for victims of trafficking in human beings. They are given a new telephone number to make it more difficult to be detected by the suspects and the Police monitor their residence where necessary. They are always accompanied to court by police officers. A partition can be used during the testimony of a victim/witness in a court hearing of a trafficking case or the victim can testify using videoconferencing. Recently, during the trial of a trafficking case before the Limassol District Court, the prosecutor submitted an application to the court for the victims to testify behind a partition and after the court accepted the request relevant testimony was presented. The prosecuting authorities can also request the court to issue a detention order of detention for the accused until the end of the trial as another special measure in respect of the victim's protection. Such applications have been submitted to courts in the past.

154. GRETA was informed that to date, no victim of THB has been subject to a witness protection programme, the main reason reportedly being that victims do not want to be under surveillance or feel locked in again. The Cypriot authorities have acknowledged that the witness protection programme in its current form does not support the needs of victims and lacks flexibility. One difficulty is also that Cyprus is a small country, making it difficult to hide witnesses. Another reason why the witness protection programme has not been used is that it hampers victims' reintegration into society.

**155. GRETA invites the Cypriot authorities to use the available measures to protect victims and witnesses of THB and to adapt the existing witness protection programme so that it is in line with Article 28 of the Convention and can provide appropriate protection from potential retaliation or intimidation.**

#### **c. Jurisdiction (Article 31)**

156. Article 5 of the Criminal Code of Cyprus allows the Cypriot judiciary to exercise jurisdiction over the offences set out in the Convention, including with regard to severe offences committed by Cypriot nationals outside the territory of the state.<sup>21</sup> Article 371 of the Criminal Code is also relevant.<sup>22</sup>

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<sup>21</sup> Article 5 of the Criminal Code provides the Cypriot authorities with jurisdiction to investigate and prosecute offences under the CC and under other any other law which criminalises certain acts, such as the anti-trafficking Law 60(I)2014. The jurisdiction covers offences committed on the territory of the Republic of Cyprus or within the sovereign base areas by a Cypriot against or in relation to a Cypriot, or in any foreign country by a citizen of the Republic of Cyprus while s/he is in the service of the Republic, or in any foreign country by a citizen of the Republic of Cyprus, if the offence is punishable in the Republic of Cyprus by imprisonment of more than two years, and the act or the omission constituting the offence is also a criminal offence under the law of the country where perpetrated. Prosecution will not be conducted in the Republic of Cyprus in relation to an offence committed in a foreign country if the accused was tried there for the offence and was convicted or acquitted.

<sup>22</sup> According to Article 371 of the Criminal Code, "whoever conspires with another to commit a felony or conduct practice in any part of the world which, if carried out in the Republic of Cyprus would be a felony, and at the same time is a criminal offence under the laws in force in the place where they intend to carry out, is guilty of a felony."

## **5. International co-operation and co-operation with civil society**

### **a. International co-operation (Article 32)**

157. In its first evaluation report, GRETA considered that the Cypriot authorities should explore further possibilities for international co-operation in the fields of protecting and assisting victims of THB, and the investigation and prosecution of trafficking cases, *inter alia*, in order to prevent re-trafficking.

158. In addition to ratifying the European Convention on Mutual Assistance in Criminal Matters and its Additional Protocols, Cyprus has signed a number of bilateral agreements and is a party to a number of multilateral agreements on co-operation in civil and criminal matters. In the absence of an agreement, co-operation with a third state can be conducted on the basis of reciprocity.

159. The exchange of information on the side of the Cyprus Police is carried out through the Directorate of European Affairs and Police Co-operation. Exchanges of information are continuously carried out through Interpol and Europol. Another important channel of communication is the liaison officers. Moreover, the Cypriot Police participate in several projects, such as EMPACT concerning co-operation against serious and international crime, which enables them to build on existing networks of co-operation. As an EU member state, Cyprus also uses the channel of Eurojust. The exchange of information regarding the criminal records of the offenders between EU member states is achieved through the ECRIS System (Criminal Records Information). Whenever the Cypriot Police have information related to the safety of a victim, witness or collaborator with the judicial authorities in THB cases, they immediately submit the information to Europol or Interpol.

160. Since GRETA's first report on Cyprus, the Cypriot police have responded to 77 requests related to THB cases received from other EU member states via Europol and from third countries via Interpol. Additionally, the Cypriot Police have requested the assistance of other countries in the investigation of THB cases on 12 occasions, via the same channels.

161. Cyprus has ratified Council Framework Decision 2002/465/JHA) on Joint Investigation Teams. So far no Joint Investigation Teams (JITs) have been set up in trafficking cases, but in two cases operational meetings were held, respectively with the Romanian and the Bulgarian authorities, in order to decide whether a JIT or another form of co-operation should be established. The first case concerned trafficking for the purpose of labour exploitation of some 90 persons and with the support of Europol, an operational meeting took place in Bucharest with between Cypriot and Romanian investigators. Concerning the second case, an operational meeting was held in Cyprus in 2013 between Cypriot and Bulgarian investigators, with the support of Europol and Eurojust, concerning a trafficking ring of Bulgarian nationals operating in Cyprus. One of the issues examined during the meeting was the setting up of a JIT, which is yet to materialise.

162. Furthermore, on 24 January 2013, Cypriot investigators met and assisted Dutch investigators and judges who visited Cyprus in order to carry out investigations on an on-going THB case in the Netherlands.

163. Given that organised criminal groups act rapidly, the Cypriot authorities have stressed the importance of setting up JITs and exchanging intelligence in a timely manner. This is one of the main obstacles faced by the Cypriot authorities, including collecting and securing evidence in other countries.

164. As an example of multilateral co-operation, the Cypriot authorities recently received information from Interpol contacts in Manchester that a Latvian national had been identified as a potential victim of THB upon her arrival to the UK from Cyprus. According to the information, the possible victim did not consent to the support offered in the UK and asked to return to Cyprus as she indicated Cyprus as the safer place for her to go. As soon as she arrived in Cyprus, members of the Police Office for Combating THB received her, escorted her to the State shelter and shortly after that she was interviewed and identified as a victim of THB.

**165. GRETA commends the efforts in the area on international co-operation made by Cyprus and invites the Cypriot authorities to continue these efforts, including by strengthening law enforcement co-operation and developing co-operation with labour inspectorates abroad.**

**b. Co-operation with civil society (Article 35)**

166. In its first report on Cyprus, GRETA strongly encouraged the Cypriot authorities to conclude protocols of co-operation with NGOs in order to provide quality assistance to victims, complementing the services provided by the Social Welfare Services. Though the possibility of concluding such protocols is foreseen by Law 60(I)2014, as it was in the preceding Law 87(I)2007, no such protocols have been concluded to date. The Cypriot authorities have indicated that they co-operate closely with NGOs in combating THB, including with the four NGOs members of the MCG as well as other NGOs involved in the provision of support to victims of trafficking. However, NGO representatives are more critical of the level of co-operation and have noted that the fact that they are consulted does not translate into action based on their advice. Some NGOs also reported difficulties in being allowed to accompany victims during interviews with the Police and other authorities.

167. The fact that none of the NGOs which operate shelters have opted to formalise their shelter's status and receive state support for their activities suggests that there is still room for improving the co-operation between the authorities and civil society in combating THB.

**168. GRETA considers that the Cypriot authorities should continue building strategic partnerships with civil society actors and the private sector with the aim of achieving the purposes of the Convention. In this context, GRETA reiterates the recommendation made in its first report that the Cypriot authorities should conclude protocols of co-operation with NGOs in order to provide quality assistance to victims.**

## IV. Conclusions

169. Since the adoption of GRETA's first report on Cyprus in 2011, progress has been made in a number of areas.

170. The Cypriot authorities have further developed the legal framework for combating trafficking in human beings, in accordance with GRETA's recommendations, and have adopted a new, comprehensive anti-trafficking law (Law 60(I)2014) aimed at making anti-trafficking measures more effective. The expanded definition of THB, which explicitly mentions the exploitation of begging, the exploitation to commit criminal activities and the exploitation of a person to conduct an adoption, corresponds to the need to address new trends in human trafficking in Cyprus.

171. Another positive legal development is the criminalisation of the users of services provided by victims of trafficking where they should reasonably have been able to conclude or suspect that the service was provided by a victim of trafficking.

172. The number of identified victims of trafficking for the purpose of labour exploitation has been on the increase and the adoption of Law 126(I)2012 on the Establishment and Regulation of Private Employment Agencies and Related Matters, providing for stricter rules to prevent employment agencies' involvement in human trafficking offences, is a welcome development.

173. The capacity of the specialised Police Office for Combating Trafficking in Human Beings has been strengthened and its mandate has been expanded to also cover the investigation of human trafficking cases. GRETA commends the approach followed by the Office to identify and support victims.

174. Efforts have been made to provide training to relevant professionals and to expand the categories of staff targeted. The training is often carried out in co-operation with NGOs and, whenever possible, a multi-stakeholder approach is promoted.

175. Progress has also been made in the area of data collection and the database on possible and identified victims of THB kept by the Police Office for Combating Trafficking in Human Beings helps to follow trends and adapt the preventive measures taken.

176. Law 60(I)2014 foresees the setting up of an "external evaluator" (an equivalent to a National Rapporteur) to assess the implementation of anti-trafficking measures, which would be a welcome development.

177. GRETA welcomes the possibility for victims of trafficking to be granted a renewable residence permit on the basis of their personal situation, as well as for the purpose of co-operating in the investigation/prosecution.

178. Similarly, the creation of a fund to support victims of trafficking in human beings, including its use as a source of compensation for victims, is a positive measure foreseen by Law 60(I)2014, though the fund has not yet been set up.

179. Furthermore, GRETA welcomes the legal provisions in Cyprus as regards the implementation of the non-punishment provision of the Convention and the practice of the Office of the Attorney General not to prosecute persons for offences directly related to their status as victims of THB.

180. However, despite the progress achieved, some issues give rise to concern. In this report, GRETA requests that the Cypriot authorities to take further action in a number of areas. The position of the recommendations in the text of the report is shown in parentheses.

Issues for immediate action

- **GRETA urges the Cypriot authorities to increase their efforts to prevent THB for the purpose of labour exploitation, in particular by strengthening the supervision of private employment agencies, stepping up labour inspections of sectors known to be prone to undeclared work and/or THB, and strengthening protection measures for domestic workers (paragraph 50).**
- **GRETA stresses that the provision of timely assistance to victims of trafficking is essential for encouraging victims to remain in Cyprus for long enough to serve as witnesses in trials against traffickers and once again urges the Cypriot authorities to ensure that safe and suitable accommodation is provided for all victims of THB, according to their needs (paragraph 89).**
- **GRETA urges the Cypriot authorities to:**
  - **take measures to ensure that the procedure for the identification and referral to assistance of child victims of THB takes into account the special needs and circumstances of children, which should include the setting up of a specific referral mechanism for children involving child specialists, child protection services and specially trained police officers and prosecutors;**
  - **ensure that child victims of THB benefit from the assistance measures provided for under the Convention, including appropriate accommodation, legal guardianship, access to psychological support and legal assistance (paragraph 97).**
- **Considering the current difficulties for victims of trafficking to receive compensation from perpetrators, GRETA urges the Cypriot authorities to:**
  - **set up as a matter of priority a victim compensation fund and consider allocating state funds to it in addition to income from fines, confiscations and donations;**
  - **amend the legislation with a view to ensuring that State compensation is not conditional on failure to obtain compensation through civil proceedings;**
  - **adopt measures to facilitate access to compensation from the perpetrators, by ensuring that victims of trafficking have effective access to legal aid, building the capacity of legal practitioners to support victims to claim compensation, including compensation into existing training programmes for law enforcement officials and the judiciary, and encouraging prosecutors to request compensation orders to the largest possible extent (paragraph 116).**

## Further conclusions

- GRETA considers that the Ministry of the Interior, as the responsible ministry for organising and funding training, should systematically and in co-operation with NGOs and other civil actors organise training for different professional groups based on identified needs. Given the low rate of convictions for THB and the low number of compensations awarded to victims of THB, trainings for lawyers, prosecutors and judges should be organised on the effective use of the anti-trafficking legislation and compensation of victims. Furthermore, given the difficulties in identifying victims of THB for labour exploitation, particular efforts should be made to provide training to labour inspectors. Other relevant professionals, such as social workers, psychologists and medical staff, should also receive further training on identifying and interviewing victims of THB (paragraph 37).
- GRETA commends the improvement made in data collection since the first evaluation and invites the Cypriot authorities to continue providing funding and support for improving data collection on THB (paragraph 40).
- GRETA considers that the Cypriot authorities should support research as an important source of information for future police measures in the field of action against THB (paragraph 41).
- GRETA invites the Cypriot authorities to continue their efforts to raise awareness of THB and to design future actions in this area in the light of impact assessment of previous measures, focusing on the needs identified (paragraph 44).
- GRETA welcomes the relaxation of the regime for overseas domestic workers and invites the Cypriot authorities to evaluate the effectiveness and impact of the amended procedures (paragraph 47).
- GRETA considers that labour inspectors should use their mandate to make inspections in private households with a view to preventing abuse of domestic workers and detecting cases of THB (paragraph 49).
- GRETA invites the Cypriot authorities to review the administrative procedure as regards the registration of children at birth with a view to ensuring that no children remain unregistered and thus at risk of THB (paragraph 52).
- GRETA considers that the Cypriot authorities should review the draft legislation concerning private adoptions to ensure that there is effective prevention of THB (paragraph 54).
- GRETA considers that the Cypriot authorities should strengthen their efforts to discourage demand for the services of trafficked persons, for all forms of exploitation, in partnership with civil society and the private sector (paragraph 60).
- GRETA notes the increasing number of identified victims of THB, including the growing number of victims trafficked for the purpose of labour exploitation. GRETA commends the fact that no link is made between the victim's co-operation in the investigation/prosecution and his/her identification as a victim of THB and entitlement to assistance and protection (paragraph 73).

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- With a view to ensuring that all victims of THB are identified as such and referred to assistance, GRETA considers that the Cypriot authorities should:
    - finalise as a matter of priority the adoption of the manual on the National Referral Mechanism;
    - ensure multi-agency involvement in the decision-making process leading to the identification of victims of trafficking, by giving a formal role in the identification process to frontline actors such as labour inspectors, social workers, officials dealing with asylum applications and irregular migrants, medical staff and relevant NGOs;
    - increase their efforts to proactively identify victims of THB for the purpose of labour exploitation, including among irregular migrant workers and domestic workers, and reinforce the role of labour inspectors (paragraph 74).
  - GRETA considers that the Cypriot authorities should make efforts to develop the programme of activities offered to victims of THB staying at the State shelter. GRETA also invites the authorities to develop public-private partnerships with a view to creating appropriate work opportunities for victims of trafficking (paragraph 90).
  - GRETA invites the Cypriot authorities to review the reasons for the low number of reflection periods granted and to make sure that the reflection period is offered to all persons for whom there are reasonable grounds to believe that they may be victims of THB (paragraph 102).
  - GRETA welcomes the possibility for victims of trafficking to be granted a renewable residence permit on the basis of their personal situation, as well as for the purpose of co-operating in the investigation/prosecution. GRETA considers that the Cypriot authorities should keep under review the practical implementation of the legal provisions concerning the issuing of residence permits to victims of THB and the extent to which residence permits are granted because of the personal situation of the victim (paragraph 107).
  - While acknowledging the progress made since its first report, GRETA considers that the Cypriot authorities should continue to take steps to ensure that the return of victims of THB is conducted with due regard to their rights, safety and dignity, including the right to *non-refoulement* (Article 40 (4) of the Convention) (paragraph 122).
  - GRETA considers that the Cypriot authorities should amend the legislation pertaining to the right of the police to access electronic communications, given that a large proportion of communications nowadays are electronic (paragraph 142).
  - GRETA invites the Cypriot authorities to consider adopting legislation enabling the blocking of websites used to recruit victims of THB or to offer their services, in accordance with international legal obligations and human rights standards (paragraph 143).
  - GRETA considers that the Cypriot authorities should encourage the Office of the Attorney General to use the provisions of Law 60(I)2014 to prosecute cases of THB rather than relying on the provisions of the Criminal Code. In this context, GRETA considers that the Cypriot authorities should further develop the specialisation and training of prosecutors and judges with a view to securing effective, proportionate and dissuasive sanctions (paragraph 150).
  - GRETA invites the Cypriot authorities to use the available measures to protect victims and witnesses of THB and to adapt the existing witness protection programme so that it is in line with Article 28 of the Convention and can provide appropriate protection from potential retaliation or intimidation (paragraph 155).

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- GRETA commends the efforts in the area on international co-operation made by Cyprus and invites the Cypriot authorities to continue these efforts, including by strengthening law enforcement co-operation and developing co-operation with labour inspectorates abroad (paragraph 165).
  - GRETA considers that the Cypriot authorities should continue building strategic partnerships with civil society actors and the private sector with the aim of achieving the purposes of the Convention. In this context, GRETA reiterates the recommendation made in its first report that the Cypriot authorities should conclude protocols of co-operation with NGOs in order to provide quality assistance to victims (paragraph 168).

## **Appendix**

### **List of public bodies, intergovernmental organisations, non-governmental organisations and other civil society actors with which GRETA held consultations**

#### **Public bodies**

- Ministry of the Interior
- Ministry of Health
- Ministry of Labour
- Welfare and Social Insurance
- Ministry of Justice and Public Order
- Ministry of Foreign Affairs
- Ministry of Education and Culture
- Parliament
- Prosecutors and judges
- Office of the Commissioner for Administration and Human Rights (Ombudsman)
- Office of the Commissioner for Children's Rights
- Cyprus Bar Association

#### **Intergovernmental organisations**

- International Organisation for Migration (IOM)
- United Nations High Commissioner for Refugees (UNHCR)

#### **NGOs and other civil society organisations**

- Movement for Equality, Support and Antiracism (KISA)
- Organisation for the Protection of Sexual Exploitation Victims (STIGMA)
- Caritas
- Mediterranean Institute of Gender Studies (MIGS)
- WellSpring Association
- Hope for Children
- Cyprus Stop Trafficking (STOP Trafficking)
- Pancyprian Federation of Labour (PEO)
- Cyprus Workers' Confederation (SEK)
- Democratic Labour Federation Of Cyprus (DEOK)
- Employers and Industrialist Federation (OEB)
- Frederick University in Nicosia

## **GOVERNMENT'S COMMENTS**

### **The following comments do not form part of GRETA's analysis concerning the situation in Cyprus**

GRETA engaged in a dialogue with the Cypriot authorities on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version.

The Convention requires that "the report and conclusions of GRETA shall be made public as from their adoption, together with eventual comments by the Party concerned." GRETA transmitted its final report to the Cypriot authorities on 28 September 2015 and invited them to submit any final comments. The authorities' comments, submitted on 27 October 2015, are reproduced hereafter.



REPUBLIC OF CYPRUS

PERMANENT REPRESENTATION TO THE COUNCIL OF EUROPE

Our ref.: 24.24.05.01.12.05

Mr Nicolas Le Coz  
President  
Group of Experts on Action Against  
Trafficking in Human Beings (GRETA)  
Council of Europe

27 October 2015

Dear Mr. Le Coz,

In response to your letter of 28 September 2015, with which you convey the final report drawn by the Committee of Experts concerning the second evaluation round on the implementation of the Convention on Action against Trafficking in Human Beings by Cyprus, I have the honour to submit the final comments of the Government of the Republic of Cyprus on the report.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Theodora Constantinidou', with a long horizontal flourish extending to the left.

**Theodora Constantinidou**  
Ambassador / Permanent Representative

**Final comments of the Government of the Republic of Cyprus  
on the final report drawn up by the  
Group of Experts on Action against Trafficking in Human Beings  
concerning the implementation of the  
Council of Europe Convention on Action against Trafficking in Human Beings  
by Cyprus (Second evaluation round)**

**I. Introduction**

The Republic of Cyprus acknowledges receipt, on 28 September 2015, of the final report drawn up by the Group of Experts on Action against Trafficking in Human Beings (GRETA), concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Cyprus, adopted by GRETA at its 23<sup>rd</sup> meeting, held from 29 June to 3 July 2015.

The government of the Republic of Cyprus expresses its appreciation to GRETA regarding the efforts to produce a fair and constructive report on the implementation of the said Convention by Cyprus.

The government wishes to thank GRETA for recording its efforts to fulfill recommendations contained in the Report produced during the first evaluation round, and expresses its satisfaction that this progress is accurately described in the final Report of the second evaluation round.

The government has carefully studied the report and agrees with most of its contents. The comments and recommendations contained therein have been taken into account and will be incorporated either in our new National Action Plan against Trafficking in Human Beings 2016-2018, or in the relevant governmental policies and practices.

In particular, recommendations on the need to organise further training, to continue providing funding and support for improving data collection on THB, and to support research for future police measures, also as an important source of information, will be considerably taken into account and given priority to their implementation.

The government would like to thank GRETA for its contacts with all competent authorities during their evaluation visit to Cyprus, which took place from 8 to 11 December 2014. It also notes with appreciation the valuable expertise and suggestions made, which have been instrumental in identifying needs and gaps; specific action will be taken in order to achieve progress in the areas highlighted by GRETA experts.

Specifically, GRETA experts have highlighted in the Report certain issues as demanding immediate action; the government of Cyprus wishes to state that it agrees with most of these findings; the competent authorities of the Republic, in carrying out their duties, have also identified these issues. The government is either already taking measures to effectively respond to such issues or is planning to do so as soon as practically possible.

Moreover, the government intends to continue examining the various trends concerning trafficking in human beings in Cyprus, including its national employment policy of third country nationals, to ensure that the risk of exploitation is minimized. In addition, the government will also closely monitor developments in the field of labour exploitation in order to enhance the protection already offered to vulnerable groups and it will also concentrate on providing timely assistance to victims, including child victims.

Further action is also envisaged, as a matter of priority, on the issue of the victim compensation fund; proposals for allocating state funds to it in addition to income from fines, confiscations and donations will be taken into account.

This paper includes the above general remarks, as well as the following comments submitted by the Ministry of Labour, Welfare and Social Insurance, the Ministry of Justice and Public Order and the Office of the Attorney General of the Republic.

## **II. Comments by the Ministry of Labour, Welfare and Social Insurance**

**On para. 29:** The Social Welfare Services are in the process of preparing a manual for handling victims of trafficking, including a section for handling child victims.

**On para. 32:** For 2015, the Social Welfare Services are organizing informative seminars on law L. 60(I) 2014, for Social Welfare Officers and institutional Officers. There will be four seminars, one in each geographical district. Three of the seminars have already taken place in October and another one will take place in the first week of November.

**On para. 35:** The Department of Labour organizes training programmes every year for the staff of Private Employment Agencies and it will continue to do so since this is a provision in our national legislation. These programmes cover issues of trafficking in human beings. Officers from the relevant Police Department are invited to be among the presenters; four seminars of this kind took place in October 2015.

**On para. 50:** It is very important to closely supervise the operation of private employment agencies in order to prevent THB for the purpose of labour exploitation. In this respect, efforts are being made to strengthen the supervision of these agencies and to investigate cases of complaints. For example, the number of inspectors has been increased from 13 to

17 and the number of inspections has also been increased so far, from 61 in 2014 to 83 in 2015. In 2015, the inspectors found violations and revoked the license of 8 private employment agencies.

Regarding the sectors known to be prone to undeclared work and/or THB, the Department of Labour, together with other responsible governmental agencies, increased the number of inspections in the sectors of agriculture and cattle raising, with the aim of combating labour exploitation and undeclared work.

**On para. 54:** New legislation is currently being drafted and GRETA's recommendations will, of course, be taken into consideration in this drafting exercise.

**On para. 80:** The NGO "Cyprus STOP Trafficking" also provides housing (apartments) where victims may stay for a short period of time.

**On paras. 84 and 85:** Any delays observed in the processing of the applications of victims for the Guaranteed Minimum Income (GMI), were due to the different changes of the welfare system and the introduction of the GMI; such delays were general and did not only concern cases of victims of trafficking. However, directions have been given to the Welfare Benefits Management Service to examine any applications of victims of trafficking for GMI on a priority basis. In addition, GMI applicants whose application is pending examination, may, additionally, receive financial assistance from the Social Welfare Services, based on article 11 of the Guaranteed Minimum Income legislation.

**On para. 87:** Recognizing that victims of THB should never be at risk of losing their public assistance benefit, Employment Counselors have stopped striking victims off the unemployed record, which could lead in them losing their benefit, even in cases where the victim is not willing and/or not able to work.

**On paras. 79 and 90:** Primarily for safety reasons, victims are advised to avoid leaving the shelter for the first seven (7) days of their stay. The Ministry is currently also examining the possibility for the participation of victims in specially designed Greek / English language learning programs, operated by the Ministry of Education and Culture, or vocational and training programs.

**On para. 95:** Based on article 38 of Law 60(I) of 2014, child victims of THB, including unaccompanied minors, are entitled to legal advice and representation during the investigation and trial procedures by the Commissioner for Children's Rights.

**On para. 97:** In cases of a child victim of THB, the Social Welfare Services, in cooperation with all other competent departments and NGOs, take into account the needs and the best

interest of the child victim. Additionally, an individual care plan for a child victim is prepared with the participation of the child and all involved departments / NGOs. The Social Welfare Services are in the process of preparing a manual for handling victims of trafficking, including a section for handling child victims.

### **III. Comments by the Ministry of Justice and Public Order**

**On para. 116:** For purposes of compliance with Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, a new national law amending the Legal Aid Law was enacted within 2014 (namely Law 64(I)/2014). This new Law expands the free legal aid scheme, so as to cover judicial procedures in Cyprus also to victims of trafficking, for the purpose of claiming compensation. In case of children, legal aid is granted, unless they have sufficient financial resources. The legal aid provided for under these amendment laws includes advice, assistance and representation.

### **IV. Comments by the Office of the Attorney General**

**On para. 131:** No evidence enough to engage in any legal proceedings securing a conviction for such an offence has ever been submitted; this is why no convictions for such forced marriage may, until today, be found.

**On para. 146:** There is a certain misunderstanding on the information contained in this paragraph; in particular, following a conclusion of a criminal investigation by the Police, a file is submitted to the office of the Attorney General, which is then responsible to take a decision whether to prosecute or not. In the process of studying a case, the Attorney General will take into account all evidence collected; any proceedings for THB offences may be filed only if enough evidence to secure a conviction appears to exist or if such a conviction may be rather secured. If, however, no concrete evidence may lead to establishing THB offences, the relevant provisions of the common Criminal Code may then be employed.

References to difficulties in prosecuting THB cases because of *“the fact that key witnesses are no longer in the country and the lack of credibility of some witnesses”* are rather false, as the first case may only arise after a case is filed and the second may only be determined by a Court of law during a trial.

**On para. 151:** The Attorney General is an independent officer of the Republic. Having said that, suggestions to further develop the specialisation and training of prosecutors and judges with a view to securing effective, proportionate and dissuasive sanctions are welcome.