

## Fundamental rights - Cyprus



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### National courts

#### **Nicosia District Court (*Eparchiakó Dikastírio Lefkosías*)**

Charalampos Mouskou St.  
1405 Nicosia  
Cyprus

#### **Limassol District Court (*Eparchiakó Dikastírio Lemesou*)**

8 Lordou Vyrona Ave.,  
3726 Limassol  
PO Box 54619  
Cyprus

#### **Larnaca District Court (*Eparchiakó Dikastírio Lárnakas*)**

Artemidos Ave.  
6301 Larnaca  
PO Box 40107  
Cyprus

#### **Paphos District Court (*Eparchiakó Dikastírio Páfou*)**

Corner of Neophytou St. & Nikolaidi St.  
8100 Paphos  
PO Box 60007  
Cyprus

#### **Famagusta District Court (*Eparchiakó Dikastírio Ammochóstou*)**

2 Sotiras St.  
5286 Paralimni  
Cyprus

#### **Kyrenia District Court (*Eparchiakó Dikastírio Kerýneias*)**

Charalampos Mouskou St.  
1405 Nicosia  
Cyprus

### National Human Rights Institutions:

#### **Commissioner for Administration and Human Rights (Ombudsman)**

The Commissioner for Administration and Human Rights (*Epítropos Dioikíseos kai Anthrópinon Dikaiomáton*, also known as the 'Ombudsman') is an independent officer of state who has been operating officially since 1991. The Commissioner is the institution primarily responsible for the extrajudicial control of the administration and the protection of human rights.

The Commissioner aims primarily to ensure legality, promote good governance, protect the rights of individuals, combat maladministration and protect the rights of citizens and human rights in general.

The Commissioner will, normally, start an investigation following submission of a complaint by a citizen who is directly and personally affected by the action complained against. However, the Commissioner may also start an investigation by order of the Council of Ministers or on his or her own initiative on matters of general interest.

The Commissioner's suggestions or recommendations are not binding. But if the parties concerned do not comply with them a question of principle arises. This position has been strengthened by the recent amendment to the relevant Law, which enables the Commissioner to consult with the authority concerned, in an attempt to find a way for the authority to adopt the Commissioner's positions and comply with them at a practical level.

The powers of the Commissioner for Administration are very broad, given that, in addition to carrying out the above functions, he or she also has the following roles:

**An anti-discrimination body:** In this capacity, the Commissioner checks, upon a complaint submitted by an individual or on the Commissioner's own initiative, whether there is a violation of the principle of equal treatment of individuals on grounds of racial, national or ethnic origin, community, language, colour, age, disability, sexual orientation, religion, political or any other opinion, in the fields of social protection, social security, social benefits, healthcare, education, participation in associations and trade unions, or access to goods and services, including housing. The Commissioner can act in both the public and private sectors.

**An equality body:** In this capacity, the Commissioner checks, upon a complaint submitted by an individual or on the Commissioner's own initiative, whether there is a violation of the principle of equal treatment of individuals on grounds of gender or gender identity, racial, national or ethnic origin, community, language, colour, age, disability, sexual orientation, religion, political or any other opinion, in the fields of employment, work and vocational training, including employment contracts or documents that govern an employment relationship, recruitment, dismissal, vacancy advertisements in newspapers, etc. The Commissioner also checks, in particular, whether there is gender-based discrimination against individuals in terms of their access to goods and services (e.g. education, healthcare, banking, or insurance services). The Commissioner can act in both the public and private sectors.

**An independent authority for the prevention of torture:** In this capacity, the Commissioner freely visits places in which individuals are entirely or partly deprived of their liberty (such as prisons, police detention centres, psychiatric institutions, or homes for the elderly), to observe and record the living conditions. The aim is to ensure the dignity and rights of persons who are in these circumstances. After making these visits, the Commissioner makes recommendations on improving both the conditions identified and the relevant legislative and institutional framework. Also, in the context of carrying out control over and openly communicating with the competent authorities, the Commissioner may make recommendations and proposals with a view to preventing torture and inhumane or degrading treatment. The Commissioner can act in both the public and private sectors.

**A national human rights institution:** In this capacity, the Commissioner puts forward opinions, recommendations and proposals when he or she feels that any state authority has violated or restricted human rights. The Commissioner also takes broader action to promote respect for human rights and, for that purpose, contacts NGOs focusing on human rights and other organised groups.

**An independent authority for the promotion of the rights of persons with disabilities:** In this capacity, the Commissioner is responsible for promoting, protecting and monitoring the implementation in Cyprus of the UN Convention on the Rights of Persons with Disabilities.

The Commissioner examines, either on his or her own initiative or following complaints, whether state authorities are complying with the provisions of the Convention, and reports on how the situation can be improved. The Commissioner also works together with other bodies that are active in this field and provides education, promotes awareness and strengthens the enforcement in practice of the rights of persons with disabilities.

## **Cyprus Police**

Offices have been set up and put in operation in the Cyprus Police to promote, protect and strengthen fundamental human rights. Following is a brief outline of the duties and obligations of these offices, demonstrating the effort made to ensure that fundamental rights are protected by the Police:

- **Human Rights Office**

The Human Rights Office reports to the European Union and International Relations Directorate of the Cyprus Police Headquarters and:

1. is responsible for examining and implementing obligations under the decisions of various Union human rights institutions, in fields falling within police jurisdiction;

2. focuses on implementing the recommendations made by the Council of Europe on detention conditions in police detention centres, etc.;
  3. carries out systematic inspections at police detention centres and submits relevant reports and recommendations on how to improve the detention and living conditions of detainees;
  4. works together with other governmental agencies, NGOs and independent bodies on issues relating to the protection of the human rights of all citizens and makes recommendations with a view to ensuring that the police comply with the provisions of the laws and of conventions signed and ratified by the Republic of Cyprus;
  5. works together with the Cyprus Police Academy in planning and implementing human rights training programmes;
  6. prepares and communicates circulars and manuals on the protection and promotion of human rights.
- **Office for Combating Discrimination**

The Office for Combating Discrimination reports to the Crime Department of the Cyprus Police Headquarters and aims to prevent and fight discrimination, racism and xenophobia.

As part of its key functions, the Office:

1. ensures coordination, monitoring and cooperation between police officers with regard to investigating and recording racist offences and incidents or crimes with a racist motive;
  2. works together with other governmental agencies and NGOs engaging in the fight against discrimination and racism;
  3. works together with the Cyprus Police Academy and other organisations to provide police officers with further training;
  4. serves as liaison office between the Cyprus Police and other agencies responsible for more effective anti-racism policy-making;
  5. strengthens and implements the national legal framework relating to international and EU guidelines and obligations.
- **Domestic Violence and Child Abuse Office**

The Domestic Violence and Child Abuse Office reports to the Crime Department of the Cyprus Police Headquarters and is concerned primarily with coordination, implementation and support.

Its key functions consist in monitoring cases or incidents, studying criminal files and making recommendations on how to further handle them. Given its responsibility for enforcing the law, the Domestic Violence and Child Abuse Office works together with the investigators responsible for these cases, family consultants or Social Welfare Services officials, and other state or non-state officials with responsibilities in the area, and also with victims, who are contacted personally or by phone. In cooperation with the Cyprus Police Academy, the Office also organises training seminars for police officers.

- **Office for Combating Trafficking in Human Beings**

The Office for Combating Trafficking in Human Beings reports to the Crime Department of the Cyprus Police Headquarters and aims to combat trafficking in human beings, in accordance with the Law on Preventing and Combating Trafficking in and Exploitation of Human Beings and Protection of Victims or any other relevant legislation and police obligations, both at European and international levels.

As part of its key functions and responsibilities, the Office:

1. processes, analyses and utilises information concerning offences related to its mission;
2. coordinates the activities and actions of all directorates/agencies/departments, to ensure that nationwide operations are well scheduled and properly organised;
3. identifies victims of trafficking or exploitation, in accordance with the relevant identification manual and the provisions of the relevant legislation;
4. provides police officers with guidance on trafficking in human beings;
5. follows up on the investigation of cases relating to trafficking in human beings and provides questioning officers with guidance as appropriate, irrespective of their place of service;

6. undertakes, under the guidance of the superintendent heading the Crime Department, the investigation of complex and serious cases of breach of the Law on Preventing and Combating Trafficking in and Exploitation of Human Beings and Protection of Victims, in cooperation with duly trained officers serving in the district criminal investigation divisions;
7. responds to requests from other countries for providing legal assistance relating to trafficking in human beings;
8. keeps a statistical database and prepares relevant reports and statistics;
9. carries out any other functions provided for in the legislation and the national action plan against trafficking in human beings or conferred on it by the Chief of Police.

With a view to securing and protecting the rights of identified victims of trafficking in human beings, the Office works together with, in addition to the social welfare services, such NGOs as Cyprus Stop Trafficking, KISA, Caritas, Well Spring, etc.

### **Commissioner for Children's Rights**

The Commissioner for Children's Rights (*Epítropos Prostatías ton Dikaiomáton tou Paidioú*) was established as an institution by the Law on the Commissioner for the Protection of Children's Rights of 2007 (Law 74(I)/2007), which entered into force on 22 June 2007. The Law provides for the appointment of a Commissioner, the establishment and operation of the Commissioner's Office, and other related matters. It was amended in 2014 by the Protection of Children's Rights Law of 2014 [44(I)/2014], in order to handle additional issues.

There are important provisions laid down in the Law to enable the Commissioner's Office to serve as an independent national human rights organisation responsible for protecting and promoting children's rights. The Law provides for broad functions and obligations for the Commissioner, which can be outlined, for reference purposes, on the basis of four pillars:

- control and monitoring of legislation, procedures and practices by public and private sector authorities;
- empowerment and participation of children;
- education and awareness among children and society in general concerning children's rights;
- representing children and their interests in procedures affecting them.

Ms Leda Koursoumba was appointed as the first Commissioner for Children's Rights. She is currently serving a second term as Commissioner.

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### **Commissioner for Personal Data Protection**

The Commissioner for Personal Data Protection (*Epítropos Prostatías Dedoménon Prosopikoú Charaktíra*) serves as an independent supervisory authority established by virtue of the Personal Data Processing (Protection of the Individual) Law 112 of 2001 (Law 112(I)/2001), by which Directive 95/46/EC was transposed into the national legislation.

The Commissioner supervises the implementation of the above Law. The Commissioner's functions include the performance of controls, the issuance of such authorisations as provided for by law and the imposition of administrative penalties for breaching the Law. The Commissioner works together with the relevant authorities in other Member States and the Council of Europe in respect of matters falling within the scope of the Commissioner's responsibility and promoting respect for the rights of European citizens to privacy and the protection of personal data.

The Commissioner serves as the national supervisory authority for Europol, Eurojust, Eurodac, SIS II (Second Generation Schengen Information System), VIS (Visa Information System), CIS (Custom Information System) and the IMI (Internal Market Information System).

The Commissioner's Office aims to provide the general public with better information on the rights provided for by Law and cultivate a privacy-friendly culture both in the public and private sectors.

### **Department for Social Inclusion of Persons with Disabilities of the Ministry of Labour, Welfare and Social Insurance**

The UN Convention on the Rights of Persons with Disabilities is a milestone in the history of disability, and requires states to adopt all appropriate legislative, administrative and other measures with a view to protecting the rights of persons with disabilities in all aspects of life. The Republic of Cyprus ratified the Convention in 2011 and prepared and adopted its first national action plan for disability in 2013.

The Department for Social Inclusion of Persons with Disabilities, being the focal point, undertook to coordinate the effective implementation of the UN Convention on the Rights of Persons with Disabilities and the 2013-2015 and 2017-2020 national action plans for disability.

Furthermore, the Department for Social Inclusion of Persons with Disabilities aims to promote the social protection, social inclusion and employment of persons with disabilities. Its key activities include:

- carrying out assessments and providing certifications in respect of disability and functionality;
- granting social benefits to persons with disabilities;
- providing direct and indirect professional rehabilitation and other support services.

The Department's vision is to improve the quality of life of persons with disabilities and open up new social integration prospects for them through planning, coordination and implementation of reform.

### **National Machinery for Women's Rights**

1. The National Machinery for Women's Rights (*Ethnikós Michanismós gia ta Dikaiómata tis Gynaikas*) was established on 16 February 1994 by virtue of Decision No 40.609 of the Council of Ministers.
2. The National Machinery for Women's Rights is a key organisation for making and promoting the government's policy for eliminating law-based discrimination against women and establishing equality between men and women in all fields of law. It also helps establish the principle of equality and equal opportunities in practice, which requires, inter alia, a change of attitude, promoting special programmes for supporting and strengthening women in their multi-faceted roles, as well as integrating equality in all programmes and policies.
3. In accordance with Decision No 76.789 of the Council of Ministers of 23 April 2014, the Council and the National Committee of the National Machinery for Women's Rights are chaired by the Commissioner for Gender Equality, and the Machinery's Secretariat-General is manned by officials from the Gender Equality Unit of the Ministry of Justice and Public Order.
4. The National Machinery for Women's Rights comprises three collective bodies: (a) the Council, (b) the National Committee, and (c) the Inter-ministerial Committee. It also operates a Secretariat-General.
5. The *Council* of the National Machinery for Women's Rights consists of 19 member organisations. The Council's members comprise women's organisations, trade unions and other NGOs, including two Turkish-Cypriot women's organisations (a list of the Council's member organisations is annexed hereto).
6. The *National Committee* of the National Machinery for Women's Rights consists of 69 member organisations, including organisations affiliated with political parties, organisations combating violence against and exploitation of women, training, research, anti-racism and agricultural organisations, trade unions, organisations for peace, for the displaced, for the family and for children, etc.
7. The *Inter-ministerial Committee* of the National Machinery for Women's Rights comprises officials responsible for women's rights from all ministries and from the Directorate-General for European Programmes, Coordination and Development.
8. The *Secretariat-General* prepares the meetings of all the bodies of the National Machinery for Women's Rights and assists with the implementation of all the decisions taken, by providing administrative and scientific support and guidance.

### **Parliamentary Committee on Human Rights and on Equal Opportunities for Men and Women**

The main task of the Parliamentary Committee on Human Rights and on Equal Opportunities for Men and Women consists in studying and looking into, in the context of the exercise of parliamentary scrutiny, whether the provisions of the Constitution of Cyprus, of international conventions and of the relevant legislation are observed in the Republic of Cyprus.

Within this context, the Committee looks into cases relating to human rights violations against citizens and other persons living in the Republic of Cyprus and reports to the House of Representatives accordingly.

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