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**2021 Rule of Law Report
Country Chapter on the rule of law situation in Cyprus**

Accompanying the

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

**2021 Rule of Law Report
The rule of law situation in the European Union**

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ABSTRACT

The structural reform of the Cypriot justice system continues, but is experiencing delay. Draft legislation on splitting the current Supreme Court into a Supreme Constitutional Court and a High Court, and on the appointment procedures of the judges and Presidents of these two new jurisdictions, is pending before Parliament. These appointments would be decided by the President of the Republic, following the non-binding advice of the Advisory Judicial Council. It is important that this reform guarantees judicial independence, in line with EU law and taking into account Council of Europe recommendations. The establishment of a Court of Appeal is also being discussed before the Parliament. The establishment of specialised courts and the restructuring of the courts are ongoing. The new rules of civil procedure have been approved, which aim at accelerating judicial proceedings. The enhancement of the capacity of the Law Office continues, including the separation of functions and recruitment procedures. Further reforms aim at overcoming important challenges for the efficiency and quality of the justice system, in particular for digitalisation. Civil, commercial and administrative judicial proceedings remain very lengthy.

Cyprus continues to improve its legislative framework to combat corruption, although a few important reforms remain pending, such as setting up an anticorruption agency, protection of whistleblowers, regulation of lobbying and asset disclosure for elected officials. The Office of Transparency and Prevention of Corruption has been tasked to oversee the implementation of a new anti-corruption plan for 2021-2026. The investigation of corruption cases continued, with the manipulation of sports competition standing out as a particular risk area, although adjudication of corruption cases remains low. The Attorney General's Office received new resources, and an amendment to the Criminal Code increased the sanctions for the crime of abuse in office, triggering the possibility to use special investigation techniques in the investigation of this offence. The Government launched an inquiry into the investor-citizen schemes to respond to allegations of corruption involving foreign individuals and high-ranking officials. A new code of conduct focused on anticorruption seeks to improve integrity in the police. During the COVID-19 pandemic, actions launched to provide financial relief were accompanied by measures that sought to mitigate the risk of fraud and corruption.

Freedom of expression and the right of access to information find legal and formal protection in the Constitution. Secondary legislation expressly ensures protection of journalistic sources, fosters media pluralism in the radio and television sectors. Since December 2020, secondary law establishes the framework and conditions for public access to information and establishes the office of the Commissioner for Information. Draft laws envisaged for adoption in the second half of 2021 are geared at strengthening the independence of the Cyprus Radio and Television Authority, reinforcing free speech guarantees and ownership transparency.

The system of checks and balances includes a consultation process as part of a Better Regulation Project. However, the consultation process on draft legislation is limited to discussions within the House of Representatives and concerns exist on the access to drafts by the public. The state of emergency enshrined in the Constitution was not declared during the pandemic. However, restrictions were imposed to citizens and businesses under the Quarantine Law, which empowers the Council of Ministers to issue decrees related to COVID-19 pandemic. Some civil society organisations still face certain challenges regarding the registration framework, as noted in the 2020 Rule of Law Report, though improvements are noted in new legislation, which allows an easier registration of federations of NGOs.

I. JUSTICE SYSTEM

The court system¹ is composed of six District Courts, six Assize Courts², the Administrative Court³, the Administrative Court of International Protection⁴ and the Supreme Court⁵. The establishment of a Constitutional Court is ongoing. In addition, there are family courts, rent control courts, industrial disputes courts and a military court⁶. There are 113 judges serving in all courts of first instance and 13 judges serving in the Supreme Court. Supreme Court Judges are appointed by the President of the Republic within the ranks of the judiciary and upon recommendation of the Supreme Court, which the President is not obliged to follow. However, according to an established practice, the President of the Republic follows the recommendations of the Supreme Court, which, based on seniority, proposes the oldest judge in service for each vacancy. The same practice applies to the appointment of the President of the Supreme Court, for which the President of the Republic always follows the recommendation to appoint the oldest judge in service of in that Court⁷. First instance judges are appointed, transferred and promoted by the Supreme Council of Judicature (SCJ), which is composed of all the members of the Supreme Court (the President and 12 Justices)⁸. The Prosecution Service is independent and organised under the Attorney General of the Republic. The Attorney General heads the Law Office of the Republic which is an independent service assisting him, not subjected to any ministry⁹. The Attorney General has the power, exercisable at his discretion in the public interest, to institute, conduct, take over and continue or discontinue any proceedings for an offence against any person (legal or natural) in the Republic. The Attorney General is also the legal adviser of the Republic, of the President, of the Council of Ministers and of the Ministers individually. He performs all other functions and duties conferred on him by the Constitution or by statutory law¹⁰. Cyprus participates in the European Public Prosecutor's Office. The independent national bar association has regulatory and disciplinary competence as regards its members.

Independence

The level of perceived judicial independence is average. Among the general public, 48% consider judicial independence to be 'fairly' or 'very good', a share that decreased by 7 percentage points in 2021 compared to 2020. The corresponding figure among companies is

¹ CEPEJ (2021), Study on the functioning of the judicial systems in the EU Member States.

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

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

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

⁵ The Supreme Court acts as an appellate body. It also acts as a Constitutional Court.

⁶ Contribution from the Supreme Court of Cyprus for the 2021 Rule of Law Report.

⁷ Input from Cyprus for the 2021 Rule of Law Report; contribution from the Supreme Court for the 2021 Rule of Law Report, p. 6 and information received by the Supreme Court in the context of the country visit to Cyprus.

⁸ Constitution of Cyprus, Art. 157.2, provides that the appointment, promotion, transfer, termination of appointment, dismissal and disciplinary matters of judicial officers are exclusively within the competence of the Supreme Council of Judicature. The abovementioned constitutional provision is further elaborated in Law No. 33/64 of the Administration of Justice, Section 10.

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

¹⁰ Constitution of Cyprus, Art. 112.

45% and has decreased by 3 percentage points since 2020¹¹. This level of perceived judicial independence¹² has been average since 2016.

The splitting of the current Supreme Court into a Supreme Constitutional Court and a High Court is pending before the Parliament¹³. The draft legislation was submitted to the Parliament at the end of 2020, with an ad hoc Committee having been established to finalise the text¹⁴. This draft currently provides that appointment of the judges and the Presidents of these courts would be solely taken by the President of the Republic¹⁵. It would set up an Advisory Judicial Council¹⁶ – different from the Supreme Council of Judicature – charged with preparing a list of the most suitable candidates for appointment, which would not be binding on the President¹⁷. It is important that this reform guarantees judicial independence, in line with EU law and taking into account Council of Europe recommendations¹⁸. Consultation of the Venice Commission on the draft legislation would give reassurance about the proposed reform to that effect. Draft legislation also provides for setting up a Court of Appeals, for which the judges and the President would be appointed by the Supreme Council of the Judicature. After the dissolution of the Parliament on 14 April 2021 in view of the legislative elections on 30 May, the pending bills will be discussed by the newly elected Parliament.

Reforms are ongoing as regards the Supreme Council of Judicature, in order to make it more representative of the components of the justice system. A bill prepared in 2020 proposed the enlargement of the Supreme Council of Judicature (SCJ). This would be composed of the members of the Supreme Court, the President and Justices of the High

¹¹ Figures 47 and 49, 2021 EU Justice Scoreboard.

¹² The level of perceived judicial independence is categorised as follows: very low (below 30% of respondents perceive judicial independence as fairly good and very good); low (between 30-39%), average (between 40-59%), high (between 60-75%), very high (above 75%).

¹³ 2020 Rule of Law Report, country chapter on the rule of law situation in Cyprus, p.2.

¹⁴ The Committee is chaired by the Minister of Justice and Public Order and comprised of one representative of each political party participating in the Legal Affairs Parliamentary Committee, as well as the President of the Cyprus Bar Association. The Minister of Justice and Public Order is at the same time consulting with the Supreme Court. Information received in the context of the country visit to Cyprus.

¹⁵ Written contribution received by the Ministry of Justice in the context of the country visit to Cyprus.

¹⁶ *“An Advisory Council for the Judiciary [...] shall act as an advisory body to the President of the Republic as regards the suitability of candidates for appointment as judges of the Supreme Constitutional Court and the High Court. The Advisory Council for the Judiciary shall have two configurations, depending on whether a Judge is appointed to the Supreme Constitutional Court or the High Court, respectively. In the case of a procedure for the appointment of members of the Supreme Constitutional Court, it will be composed of the President of the Supreme Constitutional Court as President of the Council, the four oldest members of the same Court, the Attorney General of the Republic and the President of the Cyprus Bar Association. In the case of a procedure for the appointment of members of the High Court, it will be composed by the President of the Supreme Court, as President of the Council, the four oldest members of the same Court, the Attorney General of the Republic and the President of the Cyprus Bar Association”.* Draft legislation received in the context of the country visit to Cyprus.

¹⁷ *“The Advisory Council for the Judiciary shall draw up a list of persons deemed suitable for appointment, the number of which shall be at least three times the number of vacant posts.... and shall draw up assessment reports for each of the candidates, which shall be submitted in alphabetical order to the President of the Republic. The report sets out the Council’s reasoned opinion on the suitability of each of the candidates and its content is advisory to the President of the Republic”.* Draft legislation received in the context of the country visit to Cyprus.

¹⁸ Recommendation CM/Rec(2010)12 of the Committee of Ministers of the Council of Europe, para. 47; Judgment of the Court of Justice of 20 April 2021, *Repubblika*, case C-896/19, ECLI:EU:C:2021:311, para 71; Judgment of the Court of Justice of 9 April 2021, *AB et al.*, case C-824/18 para. 122.

Court, the President of the Appeal Court, the most senior President of the District Courts, the President of the Association of Judges, the Attorney General and the President of the Cyprus Bar Association. The judiciary expressed the preference for a revised SCJ composed solely of members of the judiciary¹⁹. This bill is currently pending since the end of 2020 and had not been adopted before the dissolution of the Parliament earlier this spring²⁰. It is important that this reform take into account Council of Europe recommendations²¹.

The Action Plan for the strengthening of the Law Office of the Republic is being implemented²² and a legislation ensuring budgetary independence of the Office is envisaged. Amongst others, the reform²³ includes the restructuring and creation of separate, self-contained directorates within the Law Office to make the separation of the two main functions of the Attorney General more effective, the creation of new posts, the rationalisation of procedures, separation of functions and recruitment procedures. A draft legislation is still under discussion between the Attorney General and the Ministry of Finance concerning the budgetary independence of the Law Office²⁴. In order to anticipate the envisaged reform, at the end of 2020, a substantial number of new lawyers were recruited at the Law Office of the Republic and a number of them handle criminal cases including corruption cases²⁵.

Quality

Measures are taken to improve the digitalisation of justice but serious concerns remain in this area. Very limited online information about the judicial system is available for the general public²⁶. Furthermore, there are very few digital solutions to initiate and follow proceedings in civil/commercial and administrative cases²⁷. The introduction of an electronic court administration system is one of the main objectives of the ongoing reforms²⁸. However, its implementation and the relevant public procurement procedures have been delayed since 2017. In the meantime, an electronic mini-registry for filing cases was prepared and became operational in 2020 in all civil registries and the Supreme Court to allow for a more efficient processing of applications, pending the full implementation of the e-justice system²⁹. The implementation of the registry was accelerated by the COVID-19 pandemic.

Informative websites on case law and legislation for the public have been further developed. A website managed by the Cyprus Bar Association, provides for open, free of charge, public access to a number of datasets, such as case law and legislation databases.

¹⁹ GRECO, Fourth Evaluation Round - Second Compliance Report, p. 8; Information received in the context of the country visit to Cyprus.

²⁰ Information received by the Ministry of Justice in the context of the country visit to Cyprus.

²¹ Recommendation CM/Rec(2010)12 of the Committee of Ministers of the Council of Europe, para. 27.

²² 2020 Rule of Law Report, country chapter on the rule of law situation in Cyprus, p.3.

²³ A functional review of the Law Office by independent experts was conducted in 2019. Based on this report, an action plan has been finalised and approved by the Council of Ministers on 15 October 2019. The Action Plan foresees a comprehensive reform of the Law Office of the Republic.

²⁴ Input from Cyprus for the 2021 Rule of Law Report, p.2.

²⁵ Input from Cyprus for the 2021 Rule of Law Report, p.4; information received in the context of the country visit to Cyprus.

²⁶ Figure 39, 2021 EU Justice Scoreboard.

²⁷ Figure 43, 2021 EU Justice Scoreboard.

²⁸ Cyprus requests assistance from the Recovery and Resilience Facility in this area. A pilot project on e-justice is expected to be implemented in 12-15 months.

²⁹ Input from Cyprus for the 2021 Rule of Law Report, pp.6-7.

Namely, it provides access to the database of Cyprus case law, Supreme Court of Cyprus case law, European Court of Human Rights case law and Cyprus legislation. Access to national and foreign online databases is provided to the Cypriot Judges by the Supreme Court, which bears the cost³⁰.

Efficiency

The justice system continues to face serious concerns as regards its efficiency³¹. The time needed to resolve civil, commercial and administrative cases in first instance courts (882 days in 2019 compared to 737 days in 2018) still remains among the highest in the EU³². In administrative justice at first instance, the length of proceedings increased (495 days in 2019 compared to 487 days in 2018)³³ and clearance rates decreased (around 170% in 2019 compared to around 219% in 2018)³⁴. Since September 2020, a project has been implemented on a pilot basis in the District Court of Paphos to reduce backlogs. Following the recruitment of a number of additional judges, a taskforce has been created which focuses in particular on handling the backlog of cases³⁵.

The implementation of the action plan to address efficiency challenges continues albeit with some delay³⁶. Within this framework, a bill drafted by the Ministry of Justice and Public Order at the end of 2020 provides for the increase of the civil jurisdiction of the District Court Judges and the Senior District Court judges, with regard to the amount of disputes they can hear and adjudicate, in order to allow more flexibility to the system³⁷. The decision taken by the Supreme Court in February 2019 to assign the handling of financial disputes - judicial procedures relating to non-performing loans - to six already serving senior District Court judges, continues to be implemented³⁸.

The new civil procedure rules have been approved. On 19 May 2021, the new Civil Procedure Rules were approved by the Supreme Court, replacing the outdated legal framework in force since 1958³⁹. These rules, which are not yet implemented, aim at accelerating judicial proceedings and at increasing the overall efficiency of the civil judicial process including as regards the execution of court decisions⁴⁰.

II. ANTI-CORRUPTION FRAMEWORK

A new action plan against corruption for 2021-2026 was adopted, and the Office of Transparency and Prevention of Corruption is tasked to monitor its implementation. The Attorney General has an overall competence to prosecute criminal offences, including corruption. The Prosecution Office provides legal advice to law enforcement authorities investigating corruption offences. A new Attorney General was appointed, accompanied by

³⁰ Cyprus Legislation website; Information received in the context of the country visit to Cyprus.

³¹ 2020 Rule of Law Report, country chapter on the rule of law situation in Cyprus, p.4.

³² Figure 5, 2021 EU Justice Scoreboard.

³³ Figure 8, 2021 EU Justice Scoreboard.

³⁴ Figure 12, 2021 EU Justice Scoreboard.

³⁵ Input from Cyprus for the 2021 Rule of Law Report, p. 9.

³⁶ 2020 Rule of Law Report, country chapter on the rule of law situation in Cyprus, p. 4.

³⁷ Input from Cyprus for the 2021 Rule of Law Report, p. 9.

³⁸ *Ibid.*

³⁹ The new Civil Procedure Rules were approved on 19 May 2021.

⁴⁰ No further legislative actions are needed for the adoption of the new Civil Procedures Rules. This reform has been implemented based on Technical Support provided by the European Commission to Cyprus.

the recruitment of new staff, and the reorganisation of the office for prosecution of financial crimes. A new bill on access to public information marks an improvement in the legislative framework against corruption.

The perception among experts and business executives is that the level of corruption in the public sector remains relatively high. In the 2020 Corruption Perceptions Index by Transparency International, Cyprus scores 57/100 and ranks 12th in the European Union and 42th globally⁴¹. This perception has deteriorated⁴² over the past five years⁴³.

The strategic framework on anticorruption has been revised. In January 2021, a new Strategy against Corruption for 2021-2026 was adopted by the President of the Republic and the Minister of Justice and Public Order. The proposed measures concern transparency, accountability and corruption matters, with the goal to reinforce the existing institutions and create new safeguards⁴⁴. The Strategy includes three pillars⁴⁵, divided into specific actions⁴⁶. The Office of Transparency and Prevention of Corruption (placed under the Ministry of Justice and Public Order) has appointed two officers tasked with the inter-institutional coordination and implementation of the Strategy. Every public institution has a focal point on the anticorruption strategy, who reports on the progress regarding the implementation of anticorruption measures under their respective responsibility. The Office of Transparency and Prevention of Corruption collects and centralises information on the implementation of the strategy, and publishes the results on an online platform⁴⁷. At the end of 2020, the Council of Ministers also launched a national integrity programme based on the International Organization for Standardisation's (ISO) standard on anti-bribery management system. The Ministry of Justice is responsible for overseeing the implementation of this programme⁴⁸.

The law on access to public information has been enacted but other anti-corruption legislation is still being discussed in the Parliament. The law on the right of Access to Public Sector Information⁴⁹, which gives a natural or legal person the right of access to information held by a public authority, came into force in December 2020. The bill for the establishment of an Independent Authority against Corruption and the bill on lobbying have passed the first reading before the relevant Parliamentary Committee. A number of draft bills

⁴¹ Transparency International, Corruption Perceptions Index 2020, pp. 2-3. The level of perceived corruption is categorised as follows: low (the perception among experts and business executives of public sector corruption scores above 79); relatively low (scores between 79-60), relatively high (scores between 59-50), high (scores below 50).

⁴² In 2015, the score was 61, while, in 2020, the score is 57. The score significantly increases/decreases when it changes more than five points; improves/deteriorates (changes between 4-5 points); is relatively stable (changes from 1-3 points) in the last five years.

⁴³ The Eurobarometer data on corruption perception and experience of citizens and businesses as reported last year is updated every second year. The latest data set is the Special Eurobarometer 502 (2020) and the Flash Eurobarometer 482 (2019).

⁴⁴ Input from Cyprus for the 2021 Rule of Law Report, p.10.

⁴⁵ Notably 1) prevention, education and awareness; 2) legal measures, and 3) risk supervision and assessment.

⁴⁶ Among others: memoranda of understanding between the State and universities, establishment of a unit for combatting corruption under the supervision of the Attorney General; creation of an independent Commission for human resources management; and the establishment of the independent Authority against Corruption. Information received in the context of the country visit to Cyprus.

⁴⁷ Exandas Communication and Information website.

⁴⁸ Information received by the Ministry of Justice in the context of the country visit to Cyprus.

⁴⁹ Right of Access to Public Sector Information Law of 2017 (184 (I) / 2017).

on assets declaration of elected and State officials remain before the Parliamentary Committee on Institutions, Merit and the Commissioner for Administration⁵⁰. However, there is no indication on the timeline for the final adoption.

The sanction for the crime of abuse of public office has increased. In March 2021, the sanction for the crime of abuse of office⁵¹ by public officials (whether elected or appointed) was increased from three to seven years of imprisonment⁵².

The Attorney General office continues to improve its capacity. A new Attorney General was appointed at the end of June 2020. The office has recently recruited 24 first level lawyers mandated to prosecute financial crimes, including corruption, and three officials were moved from the personnel department to the Attorney General office. Between 2013 and 2020, 149 corruption cases were investigated, of which 20 cases were adjudicated (including five cases concerning high-rank officers and politically exposed persons)⁵³. One particular area of risk, regulated by the law on the fight against manipulation of sports competitions⁵⁴, resulted in several open investigations on corruption (12 cases in 2020, and three cases in 2021) and conflicts of interest (two cases in 2020, and one in 2021) but no adjudications so far⁵⁵. In the course of 2020, the Attorney General coordinated meetings with the betting association and the police, related to the implementation of the law on the fight against manipulation of sports competitions⁵⁶.

The Government launched a commission of inquiry to investigate the Cyprus investor citizenship scheme. In response to allegations of corruption involving foreign individuals and high-rank officials (including possible participation of politically exposed persons), at the demand of the Council of Ministers, the Attorney General appointed, on 7 September 2020, a commission of inquiry tasked to investigate and examine all naturalisations pursuant to the Cyprus investor citizenship scheme from 2007 until 2020. The commission reportedly examined 6,779 naturalisations based on investment⁵⁷. The preliminary conclusions of the commission, issued in April 2021, indicate that more than 53% of all analysed naturalisations were granted in violation of the law⁵⁸. The European Commission launched an infringement procedure against Cyprus in relation to the investor citizenship scheme⁵⁹.

⁵⁰ Input from Cyprus for the 2021 Rule of Law Report, p. 11.

⁵¹ Criminal Code, Art. 105.

⁵² Input from Cyprus for the 2021 Rule of Law Report, p. 17.

⁵³ Information received by the Attorney's General Office in the context of the country visit to Cyprus. For comparison, the 2020 Rule of Law Report chapter on Cyprus noted that a total number of 120 corruption cases had been investigated or were under investigation between 2013 and 2018, out of which 98 have been completed and 22 cases are still under investigation. 47 cases were pending for trial or under trial. 37 persons were convicted for corruption in 26 cases, out of which there were 12 high-level corruption convictions, including the deputy Attorney General, members of the House of Representatives and ex-ministers.

⁵⁴ Law 180(I) of 2017.

⁵⁵ Information received by the Attorney's General Office in the context of the country visit to Cyprus.

⁵⁶ *Ibid.*

⁵⁷ See Sigma Live, 7.06.2021, "Report on citizenship".

⁵⁸ Information received in the context of the country visit to Cyprus and Kathimerini, "Interim report on golden passports delivered", 10.06.2021. Also, Commission of inquiry, "Interim Report on the procedure of granting citizenship to foreign investors and businessmen", 16 April 2021.

⁵⁹ European Commission, Investor citizenship schemes: European Commission opens infringements against Cyprus and Malta for "selling" EU citizenship, 20 October 2020, INFR(2020)2300; European Commission, *June infringements package: key decisions*, 9 June 2021. The infringement concerns Cyprus' failure to fulfil obligations under the principle of sincere cooperation and Union citizenship by offering citizenship in exchange of predetermined payments and investments.

The prosecution office of financial crimes has been reorganised. In 2020, the office of investigation of financial crimes was reorganised into two divisions: one division responsible for investigating financial crimes, and one supporting division (whose operations started in February 2021) with two police investigators and four forensic accountants⁶⁰. The supporting unit does cross-support to other units, through financial intelligence analysis and due diligence on suspicious persons. However, the difficulty to attract and retain qualified personnel remains a challenge for the office⁶¹. Some investigations of financial crimes are delayed due to the slow response of financial institutions to court disclosure orders and, for some international cases, to the alleged length of foreign authorities' responses to requests for mutual legal assistance⁶². In 2020, there was one confiscation regarding a corruption offence involving four defendants, including one civil servant⁶³.

New instruments for improving integrity within the police have been introduced, including an online platform for whistleblowing. In 2020, the Police internal affairs service (PIAS), which is in charge of investigating corruption allegations within the police, launched an online platform for whistleblowing. Since then it has received 141 complaints⁶⁴: 36 complaints have already been investigated (of which 21 were later dismissed). There is no information on adjudicated cases. In early 2021, PIAS adopted a police code of conduct focused on anticorruption (enshrined into the existing police code of ethics)⁶⁵, and explained its competences in a community informative leaflet. In case of suspicions of corruption on a police officer, PIAS may decide to perform an "integrity test" on the suspect. While suspicions of corruption are notified to the Attorney General, elements pointing at breaches of disciplinary provisions are sent to the Director of the police, for possible corrective measures. Between 2018 and 2020, 13 cases were referred to the Attorney General office, and one case was adjudicated (with conviction). Currently, there are 11 open investigations, and one pending at the Attorney General's office⁶⁶.

New provisions have been adopted regarding conflict of interest of Members of Parliament. In February 2021, the House of Representatives adopted a Code of Conduct for its Members, with provisions related to incompatibilities, declarations of asset, gifts and lobbying⁶⁷. Compliance with the Code will be monitored by a specific Parliamentary Committee. For other civil servants, in addition to the existing administrative law⁶⁸, an

⁶⁰ Information received by the Police Office of Investigation of Financial Crimes in the context of the country visit to Cyprus.

⁶¹ *Ibid.*

⁶² Input from Cyprus for the 2021 Rule of Law Report, p. 25.

⁶³ Input from Cyprus for the 2021 Rule of Law Report, p. 16.

⁶⁴ Input from Cyprus for the 2021 Rule of Law Report.

⁶⁵ Cyprus Police, Code of Police Ethics.

⁶⁶ Information received in the context of the country visit to Cyprus.

⁶⁷ Input from Cyprus for the 2021 Rule of Law Report. It is worth noting that the 2020 Rule of Law Report, country chapter on the rule of law situation in Cyprus, p.8, indicated that while Codes of Conduct exist for Members of the Government, public officials and prosecutors, there are no similar provisions for the members of the House of Representatives. The Code would aim at offering guidance on how to prevent and manage conflicts of interest concerning Members of Parliament.

⁶⁸ Law No. 1 of 1990 concerning the Public Service and Law N° 100(I) of 2015 amending the Law on Public Service.

ongoing project aims at designing a common set of principles on conflicts of interests for public officials from all sectors⁶⁹.

There is no data on the implementation of asset disclosure framework. Although rules on asset declarations are in place, issues were raised as regards the accuracy and verification of these declarations⁷⁰. Furthermore, while rules and sanctions for non-compliance with obligations on asset declaration exist, including for high-rank officials and politically exposed persons (such as Members of the Parliament and the President of the Republic), their effectiveness remains unclear in the absence of any information on the implementation of the asset declaration system. Thus, the concerns set out in last year's report remain valid.

A draft law on “Reporting Acts of Corruption” is pending approval⁷¹ by the legislator since May 2017. This legislation would introduce new provisions on the protection of persons reporting acts of corruption, both in the public and the private sectors⁷².

Actions aimed at preventing fraud in relief schemes have been deployed during the COVID-19 pandemic. The Ministry of Labour, Welfare and Social Insurance has launched a control mechanism, linked to the Social Insurance Services' database, allowing for automatic checks on beneficiaries of COVID-19 related subsidies (also called “special scheme”). In case of violation of the criteria to qualify for the “special scheme”, the Ministry of Labour, Welfare and Social Insurance has demanded for the relevant benefits be returned. In the health sector, price ceilings on essentials for protection against the disease (for example masks, or COVID-19 medical tests) are among the measures aimed at addressing corruption risks⁷³.

III. MEDIA PLURALISM AND MEDIA FREEDOM

In Cyprus, freedom of expression and the right of access to information find legal and formal protection in Article 19 of the Constitution of the Republic of Cyprus. Secondary legislation expressly ensures protection of journalistic sources and fosters media pluralism in the radio and television sector. The Right of Access to Public Sector Information Law (2017) came into force in December 2020 after several delays with the aim to enshrine this right in secondary legislation⁷⁴. The Law establishes the framework and conditions for public access to information held by public authorities and establishes the office of the Commissioner for Information. Two separate bills scheduled for adoption in the second half of 2021 are expected to, respectively, align Cypriot legislation with the Audiovisual Media Service Directive and bolster freedom of the press⁷⁵. Cyprus distributed a state grant, mainly consisting of advertising revenue disbursed to media outlets to inform the public about the COVID-19 pandemic.

⁶⁹ Input from Cyprus for the 2021 Rule of Law Report, p.12.

⁷⁰ 2020 Rule of Law Report, country chapter on the rule of law situation in Cyprus, p.8.

⁷¹ Input from Cyprus for the 2021 Rule of Law Report, p. 12.

⁷² According to the proposed law, those directly involved in the act of corruption but that voluntarily report to the police and/or offer cooperation with the authorities resulting in the full investigation and prosecution of the case, may profit of a reduction (up-to half of the maximum) in the penalty foreseen for that offence.

⁷³ Input from Cyprus for the 2021 Rule of Law Report, pp. 13-14.

⁷⁴ Law 184 (I)/2017 on the Right of Access to Public Sector Information.

⁷⁵ Since 2020, Cyprus climbed one more position in the Reporters without Borders World Press Freedom Index, now registering at 26th position worldwide and 13th in the EU. Reporters Without Borders – Cyprus. Since 2020, Cyprus climbed one more position in the Reporters without Borders World Press Freedom Index, now registering at 26th position worldwide and 13th in the EU.

Amendments were submitted⁷⁶ with a view to strengthening the independence of the regulator for audio-visual media services, the Cyprus Radio Television Authority. Amendments to the Radio and Television Broadcasters Law 7(I)/1998 were submitted in Parliament in order to expressly stipulate the Authority's functional and effective independence aligning the Law with the Audiovisual Media Services Directive⁷⁷. Furthermore, the selection criteria of the Cyprus Radio and Television Authority's board members are in line with the Cypriot Code of Public Governance as introduced by Decision 87/869 of the Council of Ministers, thereby ensuring that board members possess a high degree of professional qualifications⁷⁸.

Cyprus' independent press council, the Media Complaints Commission, consists of 13 members and is responsible for the self-regulation of the news media, both written and electronic. If enacted, the Bill on safeguarding freedom of the press and the operation of media⁷⁹ would enshrine the Complaints Commission in law⁸⁰. While the Complaints Commission is entirely free from government interference and judicial supervision, the Media Pluralism Monitor points out that the COVID-19 pandemic and related layoffs have exacerbated longstanding issues whereby the Commission's work is largely focused on safeguarding employment and salaries and less on editorial independence⁸¹.

The regulatory framework in Cyprus which already allows for a certain degree of transparency of media ownership in the audio-visual media sector is expected to be strengthened. The 2021 Media Pluralism Monitor (MPM) recalls the concerns and confirms the risk levels highlighted in the MPM 2020 with regard to the effective implementation of the current provisions and the absence of a framework guaranteeing ownership transparency in the written press and digital media sectors making it difficult to identify and verify ultimate owners or cross-ownership in these sectors. The draft legislation that is currently undergoing consultation, aims to address these gaps⁸² by obliging all media outlets to publish audited accounts providing information with regard to beneficial owners⁸³.

Mechanisms remain in place to safeguard political independence of the media and to prevent conflicts of interest. While there continues to be no framework regulating state advertising, a state grant of EUR 700,000 - mainly consisting of advertising revenue disbursed to media outlets to inform the public about the COVID-19 pandemic was provided. MPM 2021 considers that the subsidies provided are more diversified than past schemes and that they have drastically reduced the risk factor relating to the indicator on state regulation of resources⁸⁴. The MPM 2021 concluded that there has been an overall decrease in risk in the area of political independence (from 59% to 55%) although editorial autonomy continues to be jeopardised and at high risk due to the pursuit of political agendas by media owners leading to a degree of self-censorship among editorial staff⁸⁵. A detailed mechanism

⁷⁶ On 4 March 2021.

⁷⁷ Input from Cyprus for the 2021 Rule of Law Report, p. 20.

⁷⁸ Input from Cyprus for the 2021 Rule of Law Report, p. 19.

⁷⁹ 2021 Draft Bill on safeguarding freedom of the Press and the operation of media in the Republic of Cyprus.

⁸⁰ The Media Complaints Commission was established in 1997 by the Association of Newspapers and Periodicals Publishers, the owners of private electronic media and the Cyprus Union of Journalists.

⁸¹ 2021 Media Pluralism Monitor, p.10.

⁸² 2021 Bill on safeguarding freedom of the Press and the operation of media in the Republic of Cyprus.

⁸³ Input from Cyprus for the 2021 Rule of Law Report, pp. 19-20.

⁸⁴ 2021 Media Pluralism Monitor, p. 14.

⁸⁵ *Ibid.*

regulating disbursement of advertising revenue for state publicity campaigns beyond the COVID-19 pandemic is being elaborated⁸⁶.

While direct threats remain rare, a case of online harassment and surveillance of a journalist has been reported. Regulatory safeguards for the protection of journalistic sources are in place. When enacted, the Bill on safeguarding freedom of the press and the operation of media is expected to reinforce free speech guarantees both online and offline⁸⁷. Stakeholders have raised concerns related to stalking, a cyberattack on and serious digital harassment of an investigative journalist⁸⁸, particularly through social media exposure⁸⁹. The Council of Europe's Platform to promote the protection of journalism and safety of journalists had published no alerts since the 2020 Rule of Law Report, concerning the Republic of Cyprus.

IV. OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES

The Republic of Cyprus is a presidential representative republic. The President of Cyprus is both Head of State and Head of Government. The House of Representatives is the Parliament and is vested with legislative power. Both Representatives and Ministers have the right of legislative initiative. The Supreme Court is competent to assess the constitutionality of laws in the context of specific cases brought before it⁹⁰. There are a number of national independent authorities, organisations and institutions that aim to protect and safeguard human rights.

Despite the measures taken to improve stakeholder engagement, public consultation does not always occur at an early stage of policy design and drafting. Open public consultation on pieces of legislation rarely takes place⁹¹, despite the commitment taken in the context of the Better Regulation Project and the respective circulars of the Ministry of Finance and the Law Office of the Republic⁹². Instead, the consultation process on draft legislation is not very accessible by the public and limited to discussions within the House of Representatives. At this stage, draft pieces of legislation are shared through a standard distribution list of the Ministry of Justice to pre-identified stakeholders⁹³ so that the latter can provide their views and/or participate in the discussions of the relevant standing parliamentary committees⁹⁴. The Attorney General proceeds with a prior review of draft legislation as regards the observance of the principles of legality and proportionality⁹⁵.

⁸⁶ Input from Cyprus for the 2021 Rule of Law Report, pp. 20-21, and information received in the context of the country visit to Cyprus.

⁸⁷ Input from Cyprus for the 2021 Rule of Law Report, pp. 20-21, and information received by the Press and Information Office in the context of the country visit to Cyprus.

⁸⁸ Organized Crime and Corruption Reporting Project, "*Cypriot Journalist Says He is Being Spied on and Fears for His Life*".

⁸⁹ Reporters Without Borders – Cyprus.

⁹⁰ The creation of a Constitutional Court that will take over the constitutionality review of laws from the Supreme Court is planned (see Section I). Input from Cyprus for the 2021 Rule of Law Report.

⁹¹ Contribution from Fundamental Rights Agency for the 2021 Rule of Law Report - Cyprus, p.5.

⁹² 2020 Rule of Law Report, country chapter on the rule of law situation in Cyprus, p. 10; OECD (2019), *Indicators of Regulatory Policy and Governance – Cyprus*.

⁹³ E.g. the Bar Association, Civil Society organisations. Information received in the context of the country visit to Cyprus.

⁹⁴ Information received in the context of the country visit to Cyprus.

⁹⁵ Information received by the Attorney's General Office in the context of the country visit to Cyprus.

The Government has been empowered to adopt measures to face the COVID-19 pandemic. The state of emergency enshrined in the Constitution has not been declared in Cyprus. However, restrictions were imposed under the Quarantine Law, which empowers the Council of Ministers⁹⁶ to issue Orders, due to the COVID-19 pandemic, which apply both to citizens and the public authorities and businesses⁹⁷. The Cypriot Parliament monitors regularly the implementation of all COVID-19 related measures⁹⁸. According to information received from the Government, the restrictive measures have so far only been challenged once, with a case brought in 2020 and still pending before the Administrative Court, pertaining to the number of employees up to which offices and other places of work could operate⁹⁹.

In the context of the COVID-19 pandemic, the Ombudsperson has been active to help citizens. Since March 2020 the Ombudsperson has been conducting an awareness campaign in relation to the COVID-19 pandemic and the protection of human rights¹⁰⁰. The Ombudsperson was accredited with B-Status by the Global Alliance of National Human Rights Institutions (GANHRI) in 2015¹⁰¹ and its accreditation will be reviewed in June 2021¹⁰².

While some progress has been made, concerns remain as regards the registration of civil society organisations¹⁰³. These concerns were reiterated by the Commissioner for Human Rights of the Council of Europe¹⁰⁴ namely as regards the ability of NGOs to operate in Cyprus and to the implementation of the legislation on associations which has recently led to the de-registration of several non-governmental organisations. Replying to these concerns¹⁰⁵, the Government stressed that the 2017 legislation¹⁰⁶ introduces elements of transparency and accountability for the operations of NGOs in compliance both with the Financial Action Task Force (FATF) guidelines¹⁰⁷ for protecting NGOs from financing terrorism abuse and with the EU's fifth directive for the prevention and supervision of money laundering¹⁰⁸. The

⁹⁶ The power was delegated to the Minister of Health.

⁹⁷ The legislation on COVID-19-related offenses and penalties was debated and decided in the Cypriot Parliament in 2020. Information received in the context of the country visit to Cyprus.

⁹⁸ Information received by the Ministry of Justice in the context of the country visit to Cyprus.

⁹⁹ Input from Cyprus for the 2021 Rule of Law Report, pp. 22-24.

¹⁰⁰ Contribution from ENNHRI for the 2021 Rule of Law Report.

¹⁰¹ 2020 Rule of law Report, country chapter on the rule of law situation in Cyprus, p. 11.

¹⁰² United Nations UPR (2019) – Cyprus accepted seven recommendations received on ensuring a Paris Principles compliant NHRI.

¹⁰³ 2020 Rule of Law Report, country chapter on the rule of law situation in Cyprus, p. 12.

¹⁰⁴ Letter from Dunja Mijatović, Commissioner for Human Rights to Mr. Nicos Nouris, Minister of Interior of Cyprus, 18 March 2021.

¹⁰⁵ Reply of Mr. Nicos Nouris, Minister of Interior of Cyprus to Dunja Mijatović, Commissioner for Human Rights (2021).

¹⁰⁶ Law on Associations and Foundations and other Related Matters. Input from Cyprus for the 2020 Rule of Law Report, p. 47.

¹⁰⁷ Financial Action Task Force (2015), *Combating the abuse of non-profit organisations (recommendation 8)*, pp. 22-23.

¹⁰⁸ In addition, the Government explained that all existing NGOs were required to amend their status and take other actions, such as to prepare financial accounts and to inform the registrar on the members of the board of directors until 31 December 2019. From the approximately 6500 NGOs, 3500 complied within the time limit set. For those that had not complied until the end of 2019, a new opportunity for compliance was given until October 2020. The big majority of the NGOs concerned did not take any initiative to meet the new deadline. From the 2020 cases in which NGOs were refused registration, 60 appeals were lodged for administrative review of which the reviewing authority (the General Registrar) has annulled the decision of

registration of federations of organisations is now possible directly without their members being also individually registered¹⁰⁹.

the Registrar to not include them in 23 cases. Only one NGO challenged the administrative decision to not be registered before the Supreme Court at the end of 2020, the case being pending.

¹⁰⁹ Contribution from the Fundamental Rights Agency to the 2021 Rule of Law Report; Art. 44 (1) of law 104(I)/2017, as modified by law 118(I)/2020 *“Five (5) or more associations, foundations, non-profit organisations or other similar non-profit legal entities, whether foreign or domestic, which share a common purpose, subject to the provisions of the law governing them, may set up federations and/or associations and be registered as such in a register maintained by the Registrar, provided that their statutes specify that the law applicable to their activities shall be the law applicable in the Republic”*.

“It is understood that, subject to the provisions of the European Convention on the Recognition of Legal Personnel of International Non-Governmental Organisations (Ratification) Law of 2003, such federations and/or associations may also be established with equivalent organisations abroad, provided that their statutes specify that the law applicable to their action in the Republic of Cyprus is the law applicable in the Republic”.

Annex I: List of sources in alphabetical order*

* The list of contributions received in the context of the consultation for the 2021 Rule of Law report can be found at <https://ec.europa.eu/info/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/rule-law-mechanism/2021-rule-law-report-targeted-stakeholder-consultation>.

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European Commission (2020), *2020 Rule of Law Report - The rule of law situation in the European Union*

European Commission (2020), *Investor citizenship schemes: European Commission opens infringements against Cyprus and Malta for “selling” EU citizenship*, INFR(2020)2300 (https://ec.europa.eu/commission/presscorner/detail/en/ip_20_1925).

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Annex II: Country visit to Cyprus

The Commission services held virtual meetings in April 2021 with:

- Ministry of Justice
- Supreme Court
- Cyprus Bar Association
- Office of Transparency and Prevention of Corruption
- Police - Internal Affairs Service
- Police - Office of investigation of financial crimes
- Radio-Television Authority
- Press and Information Office
- Attorney General Representatives
- Ministry of Interior – Media
- Cyprus Integrity Forum

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

- Amnesty International
- Center for Reproductive Rights
- CIVICUS
- Civil Liberties Union for Europe
- Civil Society Europe
- Conference of European Churches
- EuroCommerce
- European Center for Not-for-Profit Law
- European Centre for Press and Media Freedom
- European Civic Forum
- European Federation of Journalists
- European Partnership for Democracy
- European Youth Forum
- Front Line Defenders
- Human Rights House Foundation
- Human Rights Watch
- ILGA-Europe
- International Commission of Jurists
- International Federation for Human Rights
- International Planned Parenthood Federation European Network (IPPF EN)
- International Press Institute
- Netherlands Helsinki Committee
- Open Society European Policy Institute
- Philanthropy Advocacy
- Protection International
- Reporters without Borders
- Transparency International EU