

Support VoC



HFC
"Hope
For
Children"

Recommendations report for Cyprus in regards of the Directive 2012/29/EU

June, 2018

Nicosia, Cyprus



Co-funded by the European Union's
Justice Programme (2014–2020)

This publication was co-funded by the European Union's Justice Programme (2014–2020). The content of this publication represents the views of the author only and is his/her sole responsibility. The European Commission does not accept any responsibility for use that may be made of the information it contains

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Special thanks to Ms. Tasoula Michalopoulou for the editing of the article.

Abstract

In the Recommendations Report for Cyprus in regards of the Rights of Victims of Crime, our researchers have examined the available support services and the rights they have in relation to the Directive 2012/29/EU. The analysis of the Cypriot Legislative Framework (Law on the Adoption of Minimum Standards on Rights, Support and Protection of Victims of Crime), in relation to the Directive 2012/29/EU, includes interviews as well as the outcome of the focus group with professionals who come into contact with victims of crime. Although there is now a comprehensive legislative framework for victims of crime, it is often not reflected in practice. The fact that we have no standardised procedures in Cyprus for all victims of crime, suggests that the range of victim support services is limited. The research mainly illustrates the limited staff of the support services as well as the inadequacy of the support bodies involved, leading to further victimisation and violation of the rights of victims of crime. In addition to this, the professionals had a critical approach in regards of the non-sufficient training they receive as well as the bureaucratic procedures they need to undertake in order to provide support to victims of crimes.



Research goal

The recommendations report was developed for the co-funded by the European Commission (DG Justice and Consumers) (DG JUST – AG 2016 – 160641) project, ‘SupportVoC: Development of a Generic Support Services Model to enhance the Rights of Victims of Crime’.

The present research and recommendations report aims to contribute to the effective and coherent application of EU criminal law in the area of the rights of victims of crime and particularly, to examine the implementation and practical application of the Directive 2012/29/EU. The recommendations report is part of the review and analysis of the Cypriot national legal framework regarding the rights and protection of victims of crime.

The research undertakes activities, such as interviews and focus group in order to improve the knowledge on implementing national, regional and local generic victim support services, as well as Law and criminal justice authorities, legal practitioners and civil society enforcement. The reason behind this is to ensure an enhanced multi-disciplinary and interagency cooperation between competent authorities and other agencies or organisations in the field of supporting victims in order to support and facilitate the successful implementation of the model and Standard Operating Procedures (SOPs) to ensure the comprehensive protection of victims. Following this, the project will go on to explore the availability of the model and Standard Operating Procedures (SOPs), methods and tools for the implementation of generic victim support services. Eventually, the project will increase the awareness of stakeholders on the transposition of Directive 2012/29/EU, especially in relation to the provision of generic support services to victims of crime.

While examining the Cypriot legal framework, one identifies that Cyprus has transposed the Directive 2012/29/EU on minimum common standards on the rights and protection of victims of crime through the Law on the Enactment of Minimum Standards related on the Rights, Support and Protection of Victims of Crime (L.51(I)/2016). However, there is no tangible evidence that the legislation is applied. Specialised services for victims of crime are absent since there is no first-line centers for all kinds of crimes. For example, there are not first-line centers for rape or specialised services for victims of sexual violence which is one of the major issues hoping to tackle through the project SupportVoC. The Social Welfare Services provide only limited support and interdepartmental cooperation seems to be weak.

The research undertaken mainly illustrates that victim support services are inadequate as well as the inadequacy of the support bodies involved which leads to further victimization and violation of the rights of victims of crime.

Methodological and practical issues

The research team undertook twenty interviews with relevant public authorities, including policy makers, as well as professionals who come into contact with victims of different kinds of crimes. Additionally, the research team conducted a focus group with twelve participants in an attempt to explore the Cypriot national context in regards of the transposition and implementation of the EU directive along with the support provided to victims of crimes. The research team faced difficulties in conducting both, the interviews and focus group since due to under-staffing from all the public authorities, they were not able to attend or they never replied due to their work overload.



Consequently, the focus group consisted of police officers from different departments of the police such as the Office of Combatting Trafficking in Human Beings, the Police Head Quarters, the Department of Domestic Violence and Child Abuse Office as well as the European Union and International Police Cooperation Directorate Department. In addition to this, a representative from the Social Welfare Services attended along with private lawyers who undertake criminal cases, psychologists from different expertise (Children's House – operates for children who are victims of sexual abuse and/or harassment and exploitation of children and child pornography, as well as the Cyprus Psychological Association), and representatives of the “Homes For Hope” (shelter for unaccompanied minors) and the Migrant Information Centre. Even though the target of the research team was to have representatives of the Parliamentary Committee on Human Rights and on Equal Opportunities for Men and Women but unfortunately, due to the substantial amount of work this was not possible. The same goes for the Ministry of Justice and Public Order from which the research team was not able to interview or have a representative at the focus group. It is important to state here, that the Ministry of Justice and Public Order was the responsible governmental body for the harmonisation of the Cypriot legislation with the provisions of the Directive 2012/29/EU of the European Parliament and of the Council (Decision No. 79.515 of 28.9.2015).

During the focus group, our researchers informed the relevant stakeholders in regards of the project, the objectives, the Directive 2012/29/EU as well as the Cypriot legislation in which the Directive was transposed in the Cypriot legal framework in 2016 through the Law on the Enactment of Minimum Standards related on the Rights, Support and Protection of Victims of Crime (L.51(I)/2016) which came in effect in April 2016.

Our participants all agreed that although there is now a comprehensive legislative framework for victims of crime, it is often not reflected in practice. The fact that we have no standardized procedures in Cyprus for all victims of crime, suggests that the range of victim support services is limited. As a consequence, in the following part of this report, one can find the recommendations of the relevant stakeholders in regards of the Enactment of Minimum Standards related on the Rights, Support and Protection of Victims of Crime (L.51(I)/2016).

Recommendations based on the conclusions of the research team and focus group participants

The structure that our researchers followed for the focus group was to make them aware of the scope of the project as well as the examination of the Directive 2012/29/EU and its transposition to the Cypriot legal system, the initial stage was that the relevant professionals identified the gaps/weak points of the Cypriot reality. One of the preliminary comments from the participants - which they all shared – is that the current national victim support services has weaknesses because the legislation determines only up to a point which department is responsible for each case. The roles of the services are not clear in the legislation; therefore, the Directive is not fully ratified since there is no holistic approach as to the support of victims. Although the Directive provides access to support mechanisms for all victims, only in cases of domestic violence or abuse (domestic violence, sexual violence etc.) have direct access to psychological and emotional support. On the positive side however, we have made tremendous steps in regards of the sexual abuse of minors which is very different than for adults. They all agreed that the ‘Children's House’ which operates under the Islandic model of Barnahus, operated by ‘Hope For Children’ CRC Policy Center together with the Social Welfare Services, is doing excellent work and all the support services



are under one roof which avoids the re-victimization and further traumatization of the minors (further information on this, can be found in the National Report for Cyprus which was also produced for the purposes of the project SupportVoC).

The common approach by the participants that there are not enough resources, mechanisms as well as an agreed framework for the rehabilitation of victims in order to meet the victims' needs on a practical level. The discussion continued between the participants and their conclusion was that there are coordination issues between the competent services involved. For example, there was a long discussion in regards of the duties and responsibilities of the Social Welfare Services which are stated in the Cypriot legal framework. The coordination of services is not clearly stated in the Cypriot legal framework since not all categories of crimes are taken into consideration. Additionally, one of the lawyers who attended the focus group identified the fact that the Directive 2012/29/EU was passed for the prevention of violence (stated in the preamble) while the Law on the Enactment of Minimum Standards related on the Rights, Support and Protection of Victims of Crime (L.51(I)/2016) only states what happens after a crime. This is a very important aspect in order to understand how the legislation was transposed. One could identify the sociology of the legislation which reflects the cultural differences throughout Europe.

They went on to discuss about the fact that there are people who are victims of crime but do not realise they fall into the category of 'victims' in order to exercise their lawful rights. The awareness issue was discussed broadly (awareness not only for adults, but, also to teach children, in schools about this), since one of our participants (Psychologist) stressed the matter in regards of how difficult it is for a victim to ask for help/support. Indicatively, she provided us with some statistics from a Scottish research in which it was identified that for a woman, victim of domestic violence, to report the incident, she gets abused more than thirty times.

Despite the changes brought by the harmonisation of the Directive with the national legislative framework, there are gaps which have been identified during the discussion with stakeholders and officials, concerning the understaffing of victim support services, and as a consequence, this works against the victims since the delay for action is enormous. However, this may also have to do with the bureaucracy of the services involved. Also, as it can be verified in the rest of the research, researchers have also identified a problem of coordination of services as well as inadequately trained officers who are called upon to offer their services for the benefit of the victims. Therefore, the relevant stakeholders were keen in regards of the information of the competent officers about their obligations.

The relevant stakeholders who attended the focus group had the common opinion in regards of the Cypriot victim support model and the fact that it has not reached satisfactory levels, since there was a common acceptance that there are victim cases which remain for years in state drawers since there is a lot of delay in decision making. It is important to state here, that in 2018, the Cypriot Supreme Court has hearings which are dated from 2015. Therefore, the delay in the decision making process does not help the victims enjoy their full rights or get enough psychological, emotional and most of the times, financial support. Even though the courts are the last 'step' for the victim, since they know the huge delay, most of the times, they do not report an incident or drop the accusations and the case is never heard in the Court. This happens, especially for Human Trafficking victims who prefer to leave the island and return to their homelands. A very important challenge we, as a State, need to tackle to achieve the objectives of Directive 2012/29/EU is the marginalization which the migrants



face. Most of the times, the victims of trafficking are not Cypriots, therefore, they face ‘more difficulties in order to access the support services as well as the justice system.

It is important to state here that, women with limited financial resources who fall into the category of victims of crime, can access free legal aid. The legal assistance is provided by recognised private lawyers. However, the Cyprus courts refuse to provide legal aid to undocumented immigrant women. Additionally, there are instances where women, victims of crime faced discrimination (even when documented), especially when this has to do with female domestic workers. Legal aid was not offered for them, despite their proof of low income. Some NGOs or other organisations offered free legal assistance to women victims of gender based violence (GBV). It was stressed throughout the focus group that most of the times; the actions of assistance rely on the ‘good faith’ of professionals. However, one identifies that this is not a holistic approach.

The Cypriot legislation Family Violence (Prevention and Protections of Victims) Laws of 2000 and 2004, provide to women, victims of domestic violence, the opportunity to testify in the absence of the perpetrator. However, victims often face aggression and disputes of their testimony in the counter – examination. This happens due to the fact that there is lack of special training of judges on the issue of violence against women and the needs and rights of victims which can lead to the re-victimization of women who are victims of GBV.

Additionally, in regards of immigrant women, there were cases of secondary victimization by the police. Some of them were subjected to pressures and/or threats of deportation when reporting incidents of violence. Therefore, the conclusion of the relevant stakeholders was that, when civil servants and/or services do not protect victims of violence as obliged by the law, they can complain to the Ombudsman, who will investigate and indicate the need for action, where it is considered to be essential.

Immigrant women victims of violence do not receive adequate and qualified support which makes them particularly vulnerable to re-victimization or discrimination by the state and state support services. Asylum seekers for example, who enter the reception center in Kofinou, often fall victims of violence, remain without proper support because of lack of staff, lack of staff training, lack of translators/interpreters. House workers, most of them are immigrant women, are also at a great risk in regards of labour exploitation and economic violence since their minimum wage is set at 309 Euros per month, which is the lowest for all the professions in Cyprus. Migrant women therefore, are more vulnerable to be victims of trafficking and sex trafficking victims. Despite this situation, the authorities still do not provide effective recognition, protection and support for these people. According to data gathered by the Agency of Fundamental Rights of the European Union (FRA), (European Union Agency for Fundamental Rights, (2014). Violence Against Women: An EU Wide Survey, Main Results. Publication Office of the European Union: Luxembourg) and by NGOs, women who belong in specific groups, such as migrant women, housekeepers, disabled women and girls are clearly more vulnerable to violence in Cyprus. According to some NGOs, the overwhelming majority of the murdered and raped women in Cyprus during the recent years were immigrant women. Our participants concluded that there are provisions which need to be faced within the Cypriot society and reality, in order to tackle these issues and ultimately, provide holistic support services to victims of crimes.

Additionally, there was great discussion in regards of the Social Welfare Services which, together with the Police officers, are considered to be the ‘first-line’ professionals who come in contact with victims of crimes. The Social Welfare Services (SWS) have a great amount of work for a few officers. Consequently, there is great delay as soon as a case goes to the SWS



in regards of the procedures as well as in regards of the support the victim(s) should have. During the last three to five years, the SWS refer a lot, to non-governmental organisations to provide support to victims. Therefore, it is clearly illustrated that the state does not have the basis of providing support to victims. There is a great need of staff for both, the SWS and the Police, in order for them to act faster as well as to eliminate to the minimum the bureaucratic procedures they need to undertake. This of course, has as a result the lack of continuous support to victims due to the bureaucratic nature of the procedures which do not allow victims to have the appropriate support.

Indicatively, one of our participants, who works for a non-governmental organisation (NGO), had stated during the focus group (as well as in the interview) that for a case she evaluated, a human trafficking victim was waiting for an officer from the SWS for about six-seven hours while the victim had no shelter. The particular NGO does not provide shelter; therefore, the victim was sitting for so many hours at the headquarters of the particular NGO.

One of the major issues which arose from the interviews as well as from the focus group, is that we need to raise awareness for the general public as to their rights. Additionally, especially the Police officers suggested that we need to review what we learn during our school years so that people are aware of their rights. At some point, the conversation turned to the scope of sexual education since it is a conventional issue discussed in Cypriot reality.

Although issues such as gender equality, gender violence and their right to individual integrity are to some extent in the curriculum in the School Health Education from the Ministry of Education and Culture, the total sexual education at all educational levels, remains inadequate. Prevention programs are implemented by NGOs, such as the Cyprus Family Planning Association, 'Hope For Children' CRC Policy Center, the Mediterranean Institute of Social Studies as well as the Association for the Prevention and Counteraction of Violence in the Family, however, these programs are not applied on a systematic basis and do not have secure funding (Kaili, C, & Pavlou (2015). Intimate Partner Violence (IPV) and Sexual Violence (SV) in adolescents: preventive and supportive initiatives in Cyprus).

First-line professionals who deal with violence against women, such as the Police and the Social Welfare Services, do not have systematic training on all form of violence against women. Therefore, these professionals often lack of capability to offer adequate support and protection to victims, as well as, lack of gender-sensitive approach (Mediterranean Institute of Gender Studies (MIGS), 2011. REACT to Domestic Violence: Building a Support System for Victims of Domestic Violence. European Commission Daphne III Programme).

During these, recent years, authorities and NGOs in Cyprus have been making great efforts for the awareness of violence against women and domestic violence. Cyprus also took part in the Campaign to Combat Violence Against Women, including Domestic Violence of the Council of Europe (2006-2008). Domestic Violence against women was a priority for the Republic since the government during the Cyprus Presidency of the EU in 2012. Additionally, there was a campaign launched (2015) by the Office of the Commissioner for Human Rights in cooperation with the Advisory Committee on the Prevention and Counteraction of Violence in the Family and the Mediterranean Institute of Social Studies which was also co-funded by the European Union. The campaign focused on the role of men and boys for the prevention of violence against women. All of the participants were aware of these steps as well as the campaigns, however, as stated by most of them and especially by the Police officers is that these steps do not seem to be enough in order to tackle violence against women.



According to the Cypriot legal framework, every citizen is free to file a complaint to go to court in cases of sexual violence. However, in practice, the Cypriot Republic prosecutes only if the case of violence against women is followed by a formal complaint to the police. In theory, the judge can continue in the hearing of the case, even if the victim withdraws the complaint (happens frequently). However, this is very rare, due to the lack of firmness information/facts.

The overall outcome of the focus group was that there are a lot of categories of crimes which are not identified either in the European Directive nor in the Cypriot legal framework. There are no clear guidelines for all victims of crimes with no clear mechanism on how to deal with these. Therefore, one of our participants (Clinical Psychologist) has recommended a so-called Citizen Service Center which should work like a 'drop-in' center in order for victims to seek information and/or support. However, as suggested, this is very difficult to come to life since there are a lot of categories of crimes and the victims need personalised support. For example, even in categories in which Cyprus has made tremendous steps like for sexual abuse of minors, there are issues since the minor might be a migrant and the financial aspect is a huge one. There are times where the professionals working in this area, rely on their 'good faith' and provide even transportation in order for the victims to have psychological and emotional support. This raises another issue in regards of the support system migrants have in Cyprus. The limited financial resources they have by State, makes it hard for them even to engage for a period of time to the support services.

It was expressed by all of the participants that the main challenges to be met in practice to achieve the objectives set out in the Directive, are:

- the ability of competent officials to study and evaluate the Directive with a view to implementing it a hundred per cent;
- to provide the competent bodies with an initiative to act immediately;
- systematic training of staff which involves a) Education and expert training for all professionals who come into contact with victims of all forms of violence and in particular of vulnerable groups (migrant women and refugees, LGBTQI+, sex trafficking etc.) b) development of clear guidelines for services;
- communication and cooperation between services to be improved to support multi-agency cooperation between stakeholders as well as women's organisations and NGOs;
- to protect victims' personal data which if not addressed, can lead to the stigmatization of the victims due to the small social context of the Cypriot society;
- the possibility of creating more reception areas for victims as well as full access to shelters and other services, especially for undocumented migrant women;
- to put an end to the bureaucratic system that the victims need to go through at the moment - faster procedures in order to avoid re-victimization;
- to provide immediate and holistic services – multidisciplinary cooperation;
- awareness of the public from an early age about their rights (which could involve issues of communication, relationship, human rights and stereotypes - prevention of violence);
- Professionals must have the necessary resources to train specialised personnel so that they are ready to deal with every case;
- To address the issue of translation and interpretation at all stages of victim support;
- To apply a gender – sensitive approach to all services provided, with emphasis on the protection and empowerment of women and girls;
- To ensure adequate and sustainable funding for the implementation of policies against gender based violence and for the operation of such services.



Consequently, all of the relevant stakeholders acknowledged that there is a need to develop victim support services for all forms of crimes.

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Annex

SupportVoC Focus Group Participants list:

#	ORGANISATION
1	Private Psychologist
2	Kakkouras and Panayides LLC Advocates Legal Consultants
3	Social Welfare Office
4	Cyprus Psychologists Association
5	Children's House
6	Migrant Information Center (MIC)
7	Cyprus Police
8	Crime Investigation Department Cyprus Police
9	Cyprus Police
10	Domestic Violence and Child Abuse Office, Cyprus Police
11	Polina Trachana Legal Consultancies
12	Homes for Hope

*Due to the protection of personal data of the stakeholders/professionals we are not enclosing more information on the participants.

