

**Committee of the Parties
to the Council of Europe Convention
on Action against Trafficking in Human Beings**



**Recommendation CP(2011)2
on the implementation of the Council of Europe Convention
on Action against Trafficking in Human Beings
by Cyprus**

*adopted at the 6th meeting of the Committee of the Parties
on 26 September 2011*

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as 'the Convention'), acting under the terms of Article 38(7) of the Convention;

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification submitted by Cyprus on 24 October 2007;

Having examined the Report concerning the implementation of the Convention by Cyprus, adopted by GRETA at its 10th meeting (21-24 June 2011) in the framework of the first evaluation round;

Having examined the comments of the Cypriot Government on the GRETA Report, submitted on 10 August 2011;

Welcoming the measures to combat trafficking in human beings taken by the Cypriot authorities, and in particular:

- the adoption of a comprehensive anti-trafficking law (Law 87(I)/2007 on Combating Trafficking and Exploitation of Persons and Protecting Victims), and the setting up of the Multidisciplinary Co-ordination Group for Combating Trafficking in Human Beings, which involves all relevant national bodies and representatives of non-governmental organisations;
- the adoption of multiannual National Action Plans to combat trafficking in human beings and a National Strategy and Action Plan on Gender Equality (2007-2013);
- the setting up of a Police Office for the Prevention and Combating of Human Trafficking in 2004;

- the abolition in 2008 of the so-called “artiste” visas, which favoured trafficking of women into Cyprus for the purpose of sexual exploitation;
- the efforts of the Cypriot authorities to raise awareness about trafficking in human beings, in co-operation with NGOs;

Taking note of the areas where further action is required in order to improve the implementation of the Convention by Cyprus, in particular:

- strengthening the co-ordination among governmental agencies, non-governmental organisations and other members of civil society active in the field of action against trafficking in human beings in Cyprus, through the setting up of a coherent national referral mechanism;
 - providing specialised and systematic training to all relevant officials and professionals in contact with victims of trafficking (law enforcement officials, prosecutors, judges, labour inspectors, social workers), including with a view to improving the identification of victims of trafficking for labour exploitation and emerging new forms of human trafficking;
 - taking specific measures to discourage demand for the services of trafficked persons;
 - closely monitoring the application of the visa regimes for performing artists and other groups at risk (such as domestic workers, agriculture workers, those employed in the tourism sector and *au pairs*) and to step up the identification of cases of trafficking in human beings in these sectors;
 - providing adequate assistance to all victims of trafficking, including full information on their rights and obligations;
 - ensuring that victims of trafficking can effectively exercise their right to compensation;
 - developing a clear institutional and procedural framework for the return and repatriation of victims of trafficking, having regard to their safety, protection and dignity, and in order to avoid their re-victimisation;
 - addressing the lack of convictions for the crime of trafficking in human beings and the need to prioritise the identification of gaps in the investigation procedure and the presentation of cases in court;
1. Recommends that the Government of Cyprus implement the proposals of GRETA listed in Appendix I of its Report concerning the implementation of the Convention by Cyprus (see addendum).
 2. Requests the Government of Cyprus to inform the Committee of the Parties of the measures taken to comply with this recommendation by 26 September 2013.
 3. Invites the Government of Cyprus to continue the ongoing dialogue and co-operation with GRETA and to keep GRETA informed of the measures taken in response to its proposals.

Addendum

List of GRETA's proposals concerning the implementation of the Convention by Cyprus

Core concepts and definitions

1. GRETA urges the Cypriot authorities to ensure that:
 - the principle according to which the consent of the victim is irrelevant when one of the means listed in the Convention has been used applies in all dimensions of the identification, protection and assistance of victims of THB and not only in the context of criminal proceedings;
 - no additional conditions of damage or loss, and in particular no evidence of such damage or loss, are required from a person who has been subjected to THB in order to qualify as a victim of THB under Law 87, and to benefit from the protection measures provided for in this law.

Comprehensive approach, co-ordination and international co-operation

2. GRETA considers that the Cypriot authorities should:
 - step up their efforts to address THB for the purpose of labour exploitation in their prevention and prosecution policies. In addition, GRETA strongly encourages the Cypriot Government to pursue plans to develop a specific National Action Plan for child victims of THB;
 - strengthen the co-ordination among governmental agencies, NGOs and other members of civil society active in the field of action against THB and the protection of victims. This should involve the conclusion of written agreements between governmental departments and NGOs setting out the specific framework for co-operation on issues related to THB, as well as periodic reviews of their application;
 - explore further possibilities of international co-operation in the fields of protecting and assisting victims of THB, and the investigation and prosecution of trafficking cases, *inter alia* in order to prevent re-trafficking.
3. In addition, GRETA invites the Cypriot authorities to:
 - ensure that the annual and *ex post* evaluations of the implementation of the NAP against THB for 2010-2012 are carried out, and that the results of these evaluations are duly taken into account in future policies to combat THB;
 - consider commissioning an independent external assessment of the application of the NAP against THB for 2010-2012;
 - consider increasing the human and financial resources of the Police Office for the Prevention and Combating of Human Trafficking so that it can carry out the full range of tasks within its mandate.

Training

4. GRETA considers that the Cypriot authorities should step up their efforts to provide specialised and systematic training to all relevant professionals, such as law enforcement officers, border guards, consular officers, labour inspectors and social welfare officers, including with a view to improving the identification of victims of THB for labour exploitation and emerging new forms of THB.

5. GRETA also invites the Cypriot authorities to:
- design future training programmes with a view to improving the knowledge and skills of relevant professionals in order to enable them to better identify, protect and assist victims of trafficking. During the training, particular attention should be paid to overcoming negative attitudes and prejudices vis-à-vis victims of trafficking;
 - give priority to the actions of the NAP against THB for 2010-2012 concerning the training of judges and public prosecutors on THB issues.

Data collection and research

6. GRETA encourages the Cypriot authorities in their plans to introduce a comprehensive and coherent data collection mechanism that would make it possible to share information among the main actors in the fight against THB, while respecting the rights of data subjects to personal data protection. Statistical data should be disaggregated (into gender, age, type of exploitation, etc.) and its collection should be designed in a way that enables the authorities to determine the scale of the problem and the most appropriate measures to be taken with regard to the different forms of THB and groups affected.

7. In addition, GRETA invites the Cypriot authorities to continue conducting and supporting research as an important source of information for future policy measures in the field of action against THB.

Prevention of THB

8. GRETA urges the Cypriot authorities to:
- improve the information provided to potential migrant workers to alert them about the risks of THB;
 - closely monitor the application of the visa regimes for performing artists, bar tenders and other groups at risk (such as domestic workers, agriculture workers and *au pairs*);
 - step up police control of entertainment venues where cases of THB for sexual exploitation may be found;
 - step up police and labour inspections aimed at identifying cases of labour exploitation.
9. Further, GRETA considers that the Cypriot authorities should:
- design future actions in the area of awareness raising and education on the basis of the assessment of previous measures, reliable data and research, which should enable the authorities to focus on the needs identified. Increased emphasis should be placed on changing social attitudes towards victims of THB. The success of these efforts will depend on efficient data collection, adequate funding and regular evaluation;
 - plan future information and awareness-raising campaigns to prevent THB with the involvement of civil society, including NGOs;
 - take specific measures to discourage demand for the services of trafficked persons, targeting in particular the most common forms of THB in the country;
 - co-operate with the main countries of origin of victims of THB to alert potential victims of THB-related risks;
 - introduce a checklist to identify potential THB-related risks during the visa application system;

- take due account of THB risks and include preventive measures, such as information, in the revised policy on domestic workers and their labour disputes;
- consider the THB-related risk of the requirement that ties migrant workers to their employers.

Identification of victims of THB

10. GRETA urges the Cypriot authorities to review the identification system for victims of THB and its application.

11. Furthermore, GRETA considers that the Cypriot authorities should:

- set up a coherent national referral mechanism which ensures co-ordination between all actors involved in identifying trafficked persons;
- ensure that clear instructions are given to all relevant officials involved in the identification of victims of THB in order to avoid any *de facto* link between the identification of victims and their willingness to co-operate with the authorities.

Recovery and reflection period

12. GRETA urges the Cypriot authorities to strictly apply the reflection period to all persons for whom there are reasonable grounds to believe that they may be victims of THB.

Information to victims and potential victims of THB

13. GRETA urges the Cypriot authorities to provide victims of THB with information on their legal rights and obligations, including the reflection period, the services and assistance measures available and how to access them, the right to compensation, and the protection and assistance measures available to recognised victims of THB who may not wish to co-operate with the authorities. In this context, information materials on the rights of potential and identified victims should be drawn up in an appropriate range of languages.

Assistance measures

14. GRETA urges the Cypriot authorities to ensure that safe and suitable accommodation is provided for all victims of THB.

15. GRETA considers that the Cypriot authorities should make further efforts to provide adequate assistance to all victims of THB, in particular psychological support, as well as access to education, vocational training and the labour market.

16. In addition, GRETA strongly encourages the Cypriot authorities to conclude protocols of co-operation with NGOs in order to provide quality assistance to victims, complementing the services provided by the Social Welfare Services. The application of such protocols should be monitored and assessed.

17. GRETA considers that the Cypriot authorities should allocate the necessary resources to the planned research on the evaluation of victims' needs in relation to the services provided, so that it can be carried out in a comprehensive manner, and take account of the research results.

18. GRETA urges the Cypriot authorities to increase their efforts to provide information and legal assistance to victims of THB about their legal right to file a claim for compensation, and to ensure that victims have effective access to legal aid in this respect. It also urges the Cypriot authorities to make the State compensation system accessible to all victims of THB, irrespective of their nationality and residence status.

Repatriation and return of victims

19. GRETA urges the Cypriot authorities to develop a clear institutional and procedural framework for the return and repatriation of victims of THB, having regard to their safety, protection and dignity, and in order to avoid their re-victimisation. In the case of children, a specific risk-assessment should be carried out, taking into account the best interest of the child.

Substantive criminal law

20. GRETA urges the Cypriot authorities to include in Law 87 the aggravating circumstance of THB committed by a public official in the performance of his/her duties.

Investigation, prosecution and procedural law

21. GRETA urges the Cypriot authorities to:

- step up the proactive investigation of potential cases of THB, including by labour inspectors, in sectors such as entertainment, tourism, agriculture and domestic work;
- prioritise the identification of gaps in the investigation procedure and the presentation of cases in court, as well as proposals to increase convictions.

22. GRETA considers that the Cypriot authorities should:

- encourage the Office of the Attorney General to use Law 87 to pursue convictions for the offence of THB and to send THB cases to the assize courts;
- encourage the judiciary to limit the delays and adjournments to the maximum so that the waiting time of THB victims is significantly reduced;
- ensure that victims of THB are adequately informed, protected and assisted during court proceedings;
- take measures to protect victims' private life and safety, including protection from intimidation, through holding trials *in camera* for THB cases, where appropriate;
- facilitate the stay in Cyprus of victims of THB so that they can testify and exercise their rights to compensation and redress;
- assist victims of THB who return to their countries of origin before the court proceedings to travel back to Cyprus in order to testify in court.

23. Furthermore, GRETA invites the Cypriot authorities to:

- conduct a thorough assessment of the effectiveness of Law 87 and the reasons for its limited application in practice;
- address the recurring consideration by courts of THB victims/witnesses as non-credible.