



ARTEMIS:

Promoting the right of protection of women through the application of the EC Directive 2011/99/EU and the European Protection Order



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**THE APPLICATION OF THE EC DIRECTIVE 2011/99/EU AND THE
EUROPEAN PROTECTION ORDER**

CYPRUS



LEGAL NOTICE

This report is the result of a research carried out by Susana Pavlou and Alexia Shakos within the framework of the project “ARTEMIS - Promoting the right of protection of women through the application of the EC Directive 2011/99/EU and the European Protection Order”.

All reasonable efforts have been made to ensure the accuracy of the data referred to in this report, including through data verification. We regret, however, any data errors that may remain.

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Introduction

The Artemis project

This study was carried out within the framework of the project *Artemis: Promoting the right of protection of women through the application of the EC Directive 2011/99/EU and the European Protection Order*.

The European Protection Order (EPO), a mechanism for the mutual recognition of protection measures of victims of crime, was introduced by EC Directive 2011/99/EU and had to be transposed into the national legislation of the Member States by 11 January 2015.

Very limited research has been carried out to date to explore implementation of the EPO and to identify challenges and barriers to its effective application. According to a study carried out by the European Parliamentary Research Service to assess the implementation of Directive¹, there has been very limited use of the EPO to date, with only 7 EPOs issued throughout the EU, despite an estimated 100 000 women residing in the EU benefiting from protection measures related to gender-based violence. The study also identified a general lack of awareness and training, both among legal practitioners likely to come into contact with victims, as well as among NGOs active in the field of victim support. As a consequence, protected persons do not have access to information on the right to an EPO and the relevant procedures for the requesting one should (s)he expects to travel to another Member State.

Therefore, the aim of the project is to study the state of application of the Directive in the project partner countries (Italy, Cyprus, Greece, Croatia and Czech Republic) and, subsequently, to improve information on the Directive and to increase the knowledge of lawyers, legal experts and EU citizens through awareness raising and training activities.

Background

At least 28% of women in Cyprus have experienced some form of domestic violence including economic violence, psychological violence, sexual violence, and physical violence. In 2012, Cyprus conducted the first nationwide survey on the *Extent, Frequency, Forms and Consequences of Domestic Violence against Women in Cyprus*.² The 2014 FRA Survey data results showed that since the age of 15, 1 in 5 women in Cyprus have experienced physical and/or sexual violence by a partner and/or a non-partner, and 31% of people in Cyprus revealed that they knew a female victim of domestic violence within their circle of friends and family.³

Although there is no specific law on violence against women in Cyprus, most forms of violence against women are illegal. Domestic violence is criminalised under the Violence in the Family (Prevention and Protection of Victims) laws of 2000 until 2015. Sexual offences including rape are punishable with a maximum sentence of life in prison. Rape within

¹ European Parliamentary Research Service, European Protection Order Directive 2011/99/EU: European Implementation Assessment, September 2017

[https://www.europarl.europa.eu/RegData/etudes/STUD/2017/603272/EPRS_STU\(2017\)603272_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2017/603272/EPRS_STU(2017)603272_EN.pdf)

² The survey was commissioned by the Advisory Committee for the Prevention and Combating of Domestic Violence in the Family (2012). The executive summary of the survey "Extent, Frequency, Nature and Consequences of Domestic Violence against Women in Cyprus". Available at: <http://www.familyviolence.gov.cy/cgibin/hweb?-A=971&-V=research>

³ European Union Agency for Fundamental Rights (2014). Violence against Women: An EU Wide Survey, Main Results. Publication Office of the European Union: Luxembourg.

marriage is also recognised as a crime. Other forms of violence such as forced marriage and female genital mutilation are against the law.

Women victims of domestic violence in Cyprus have legal access to protection measures including temporary protection orders restraining the suspect from contact with the victim, as well as restraining orders prohibiting perpetrators from entering or remaining in the marital home.

Cyprus transposed EC Directive 2011/99/EU into national legislation in 2015 with Law 156(I)/2015 on the European Protection Order in 2015, and Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime in 2016.

The Government of Cyprus ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) in November 2017.

Overview of Protection Orders in Cyprus

The EPO is issued on the basis of pre-existing protection measures, previously adopted and in force in the issuing State, and established according to the internal national legislation of this State.

What follows is a general overview of the application of protection orders for victims of violence in Cyprus.

Legal provisions

In Cyprus, protection orders may be imposed under both criminal law and civil law.

Under criminal law, protection orders are regulated by:

- (i) specific laws on forms of interpersonal and violence in the family, namely by the Violence in the Family (Prevention and Protection of Victims) Laws 2000 and 2004 (as amended) (the “**Family Violence law**”); and
- (ii) specific laws on forms of sexual abuse and sexual exploitation of children, namely by the Preventing and Combating the Sexual Abuse and Sexual Exploitation of Children and Child Pornography Law 2014.

Under civil law, protection orders are regulated by family law, specifically by the Parents’ and Children’s Relations Law 1990 (as amended).

Types and prevalence of protection orders

In Cyprus, the following protection measures exist under criminal law:

- Interim restraining orders against the perpetrator (Article 22 of the Family Violence law and Article 33 of the Preventing and Combating the Sexual Abuse and Sexual Exploitation of Children and Child Pornography Law 2014);
- Interim removal orders to remove a victim who is a minor from the family home or from his/her place of residence (Article 22 of the Family Violence law and Article 33 of the Preventing and Combating the Sexual Abuse and Sexual Exploitation of Children and Child Pornography Law 2014);

- Removal orders to remove a victim who is a minor from the family home or from his/her place of residence (Article 21 of the Family Violence law and Article 32 of the Preventing and Combating the Sexual Abuse and Sexual Exploitation of Children and Child Pornography Law 2014);
- Restraining orders against the perpetrator (Article 23 of the Family Violence law and Article 34 of the Preventing and Combating the Sexual Abuse and Sexual Exploitation of Children and Child Pornography Law 2014).

The protection measures mentioned above relate to victims of domestic violence under the Family Violence law and child victims of sexual abuse and/or sexual exploitation under the age of 18 under the Preventing and Combating the Sexual Abuse and Sexual Exploitation of Children and Child Pornography Law 2014.

Under civil law, the following protection measures exist:

- An order granting partial or full custody of a minor to one parent or to a custodian, as defined in Article 2 of the Parents' and Children's Relations Law 1990 (as amended) (Article 18 and Article 21 of the Parents' and Children's Relations Law 1990 (as amended)).

The protection measures available under civil law relate to minors, i.e. children under 18 years of age.

As regards the types of protection which can be provided for in the orders, under criminal law, these are restraining orders and orders for the removal of a victim who is a minor from the family home or from his/her place of residence. The specific conditions and restrictions included in such orders are subject to the discretion of the court (Articles 21-23 of the Family Violence law and Articles 32-34 of the Preventing and Combating the Sexual Abuse and Sexual Exploitation of Children and Child Pornography Law 2014).

Under civil law, the type of protection which may be provided is the granting of custody of a minor to one parent or to a custodian; the extent and conditions of the custody are subject to the discretion of the court (Article 18, paragraph 6 of the Parents' and Children's Relations Law 1990 (as amended)).

With respect to the durations of the protection orders, under criminal law, the duration of the protection orders available are as follows:

- Interim restraining orders and interim removal orders: these may be issued before the filing of criminal charges for a period of up to 8 days from the date of service of the order to the perpetrator. The court may extend the duration of the interim orders by a further 8 days, provided that the duration of the interim orders does not exceed 24 days before the filing of criminal charges.
- Removal orders to remove a victim who is a minor from the family home or his/her place of residence: these may be issued once the criminal charges have been filed and for the duration of the trial, or, once the trial is finalised and the perpetrator is convicted, for as long as deemed necessary according to the discretion of the court.

- Restraining orders issued against the perpetrator: these may be issued once the perpetrator has been charged and the duration of these are subject to the discretion of the court.

Under civil law, the duration of the protection orders available are subject to the discretion of the court (Article 18, paragraph 6 of the Parents' and Children's Relations Law 1990 (as amended)).

Concerning the number of protection orders issued in Cyprus, as the judicial system does not record or monitor the issuance of protection orders, data is not available to ascertain the number or type of protection orders issued. Similarly, data on which types of crimes protection orders are generally imposed is not available.

Procedures for applying for protection orders

Generally, protection orders are only available for a certain subset of victims and crimes. Specifically, under criminal law, protection orders are only available for:

- (i) victims of domestic violence, specifically victims of the crimes set out and defined in Articles 3-4 of the Family Violence law; and
- (ii) for child victims of sexual abuse and sexual exploitation under the age of 18, specifically child victims of the crimes set out and defined in Part II of the Preventing and Combating the Sexual Abuse and Sexual Exploitation of Children and Child Pornography Law 2014.

Under civil law, protection orders are only available to minors where one or both parents have failed or are unable to carry out their duties of parental care, for example due to domestic violence⁴ (Article 18 of the Parents' and Children's Relations Law 1990 (as amended)), or where one parent has been convicted of a crime that involves the life, health or morals of the minor (Article 21 of the Parents' and Children's Relations Law 1990 (as amended)).

The persons and/or authorities who may apply for a protection order under criminal law are as follows:

- (i) Under the Family Violence law:
 - Interim restraining orders and interim removal orders issued pursuant to Article 22: a family member, or the police, or the public prosecutor, or the Attorney General of the Republic, or a Family Counsellor (as defined in Article 2), or any other person acting on behalf of any of these, may apply (Article 22, paragraph 1)); however the application needs to be accompanied by a sworn affidavit of the victim (Article 22, paragraph 2).
 - Removal orders to remove a victim who is a minor from the family home issued pursuant to Article 21: Social Services or a Family Counsellor (as defined in Article 2), or the public prosecutor may apply (Manual of Inter-Departmental Procedures for the Handling of Domestic Violence Cases 2002 p.13 para. 3.8; Manual of Inter-Departmental Procedures for the Handling of Domestic Violence Cases in relation to Children 2017 p.9 para. 2.8).

⁴ Manual of Inter-Departmental Procedures for the Handling of Domestic Violence Cases in relation to Children 2017 p.9 para. 2.8.

- Restraining orders issued against the perpetrator pursuant to Article 23: Social Services or a Family Counsellor (as defined in Article 2), or the public prosecutor may apply (Manual of Inter-Departmental Procedures for the Handling of Domestic Violence Cases 2002 p.13 para. 3.8; Manual of Inter-Departmental Procedures for the Handling of Domestic Violence Cases in relation to Children 2017 p.13 para.3.4.2.8).
- (ii) Under the Preventing and Combating the Sexual Abuse and Sexual Exploitation of Children and Child Pornography Law 2014:
- Interim restraining orders and interim removal orders issued pursuant to Article 33: a family member, or the police, or the Attorney General of the Republic, or a custodian appointed pursuant to the Parents' and Children's Relations Law 1990 (as amended), or the Director of Social Services, or a Commissioner (as defined in Article 2), or any other person acting on behalf of any of these, may apply (Article 33, paragraph 1); however the application needs to be accompanied by a sworn affidavit of the victim (Article 33, paragraph 2).
 - Removal orders to remove a victim who is a minor from the family home or from his/her place of residence issued pursuant to Article 32: Social Services or the public prosecutor may apply (Manual of Inter-Departmental Procedures for the Handling of Domestic Violence Cases in relation to Children 2017 p.13 para.3.4.2.8).
 - Restraining orders against the perpetrator issued pursuant to Article 34: Social Services or the public prosecutor may apply (Manual of Inter-Departmental Procedures for the Handling of Domestic Violence Cases in relation to Children 2017 p.13 para.3.4.2.8).

Under civil law, a parent, or the Director of Social Services, or public prosecutors may apply for a protection order (Article 18 and Article 21 of the Parents' and Children's Relations Law 1990 (as amended); Manual of Inter-Departmental Procedures for the Handling of Domestic Violence Cases 2002 p.13 para. 3.8; Manual of Inter-Departmental Procedures for the Handling of Domestic Violence Cases in relation to Children 2017 p.9 para. 2.8).

Overall, the following authorities are involved in applying for and issuing protection orders under criminal law: the police, the Director of Social Services/a Family Counsellor (as defined in Article 2 of the Family Violence law), the public prosecutors and the Office of the Attorney-General, a Commissioner (as defined in Article 2 of the Preventing and Combating the Sexual Abuse and Sexual Exploitation of Children and Child Pornography Law 2014), a custodian appointed pursuant to the Parents' and Children's Relations Law 1990 (as amended), and courts exercising criminal jurisdiction.

Under civil law, the Director of Social Services, public prosecutors and the Family Courts are involved in applying for and issuing a protection order.

Under criminal law, interim protection orders may be issued independently from other legal proceedings, and will be in force until the perpetrator is charged with a crime defined and set out in the Family Violence law (Articles 3-4) or in Part II of the Preventing and Combating the Sexual Abuse and Sexual Exploitation of Children and Child Pornography Law 2014. Thereafter, protection orders may only be issued during criminal proceedings, i.e. before, during or after the trial of the perpetrator.

Under civil law, a protection order under Article 18 of the Parents' and Children's Relations Law 1990 (as amended) may be issued independently from other proceedings. A protection order under Article 21 of the Parents' and Children's Relations Law 1990 (as amended) may only be issued in relation to criminal proceedings, specifically where one parent has been convicted of a crime that involves the life, health or morals of the victim.

Monitoring and sanctions

We are not able to ascertain whether protection orders are actively monitored or whether it is generally left up to the victim to report violations, as data is not available. We are also not able to ascertain which activities monitoring authorities undertake to check compliance with protection orders, as data is not available.

As regards the violation of protection orders, in cases where restraining or removal orders have been issued under criminal law, a violation of any of the conditions of such orders constitutes a crime punishable with a maximum of 2 years imprisonment (Article 23, paragraph 7 of the Family Violence law and Article 34, paragraph 6 of the Preventing and Combating the Sexual Abuse and Sexual Exploitation of Children and Child Pornography Law 2014; Manual of Inter-Departmental Procedures for the Handling of Domestic Violence Cases in relation to Children 2017 p.20 paras. 4.6.1-4.6.2).

The violation of *interim* orders issued pursuant to the Family Violence law or issued pursuant to the Preventing and Combating the Sexual Abuse and Sexual Exploitation of Children and Child Pornography Law 2014 however is not criminalised.

The violation of a protection order issued under civil law is criminalised under certain circumstances, depending on the specific restrictions and conditions set out in the protection order which have been violated (Manual of Inter-Departmental Procedures for the Handling of Domestic Violence Cases in relation to Children 2017 p.20 paras. 4.6.3-4.6.4).

Assessing the implementation and impact of the European Protection Order in Cyprus

Legal framework

The Republic of Cyprus transposed EC Directive 2011/99/EU (the "**Directive**") into national legislation in 2015 with Law 156(I)/2015 on the European Protection Order 2015 (the "**national law**").

No data is available on the number of EPOs issued or executed in Cyprus. As with national protection orders, the judicial system does not record or monitor the number of EPOs issued or executed so it is not possible to assess the prevalence of EPOs issued or executed in Cyprus.

Procedures for applying for an EPO

According to Article 7 of the national law, the Court may issue an EPO when a national protection measure has been previously adopted in the Republic imposing on a person who poses a risk any of the following restrictions:

- *Prohibition of entry into certain places, places or designated areas where the protected person resides or which he / she visits;*

- *Prohibiting or regulating any contact with the protected person, including communication by telephone, e-mail or regular mail, fax or other means; or*
- *Prohibiting or regulating the right of access of the protected person closer than a predetermined distance.*

Furthermore, an EPO may be issued when a protected person submitting an application decides to settle or already resides in another Member State, or decides to stay or is already staying in another Member State.

The District Courts in Cyprus that are competent to issue protection measures are also competent to issue and execute European protection orders. The District Courts also have the authority to renew, review, amend, revoke or withdraw the protection measure and, consequently, the European protection order. In cases where the protected person is a resident of Cyprus, the recognition of the EPO is given by the District Court of the district in which he/she resides. In cases where the protected person is not a resident, the competent court is the District Court of Nicosia. However, in Cyprus there is no central authority coordinating cases in which protection orders have been issued, let alone assisting the authorities issuing European protection orders.

According to the national law, where an EPO is issued in Cyprus, the body authorised to do this is the District Court which imposed the protection order (Article 4, paragraph 1). This is problematic as under the Violence in the Family law, both the District Court and the Criminal Court may issue protection orders. Specifically, the Criminal Court has jurisdiction over most of the more serious offences of domestic violence set out in Article 4 of the Violence in the Family law, yet under the national law it is not authorised to issue an EPO. Conversely, the District Court does not have jurisdiction to try crimes punishable with imprisonment of more than 5 years. This potentially constitutes a gap in protection for those victims who are facing the most serious forms of violence, since they do not appear to be able to apply for an EPO. Additionally, under the Law No. 91(I)/2014 on Preventing and Combating the Sexual Abuse and Sexual Exploitation of Children and Child Pornography and under Family Law, the Criminal Courts and the Family Courts are authorised to issue protection orders, for which EPOs could also be issued; yet only the District Courts in Cyprus have been granted the competence and authority to issue EPOs under the national law.

In relation to EPO application procedures, according to the national law, only the victim/complainant can apply for an EPO to the District Court that issued the national protection order. No legal representation is required and legal aid for victims applying for an EPO is not provided for in the national legislation. However, and as foreseen in the Directive, the costs of issuing and executing an EPO is borne by the Republic.

The reasons for the competent authority to reject a request for an EPO follows those laid out in Article 10 of the Directive. These include *inter alia*:

- *the European protection order is not complete or has not been completed within the time limit set by the competent authority;*
- *the protection measure relates to an act that does not constitute a criminal offence under the law of the executing State;*
- *the conditions required for the issuing of an EPO according to Article 7 of the national law have not been met.*

The national law does not specifically state a minimum or maximum duration of EPO recognition. However, Article 7, paragraph 2 states that in issuing a European protection order, the Court shall take into account the length of the period or periods during which the protected person intends to remain in the executing State and the degree of necessity of the protection. The national law does not specify through which mechanism the Court will base such an assessment of risk to the protected person.

However, according to Article 16 of the national law, recognition of an EPO by the District Court should be treated as a matter of priority taking into account the specific circumstances of the case. This may include the urgency of the matter, the date foreseen for the arrival of the protected person on the territory of the executing State and, where possible, the degree of risk for the protected person. As mentioned above, the national law does not specify through which mechanism the Court will assess the level of risk for the protected person.

Level of protection and monitoring mechanisms

EPOs are valid in Cyprus for persons who benefit from a protection order as foreseen in criminal and civil law (see Part 1 above). However, as mentioned above, under the Family Violence law, both the District Court and the Criminal Court may issue protection orders. For example, in cases of violence in the family, the Criminal Court has jurisdiction over most of the more serious offences set out in Article 4 of the Family Violence law. However, under the national law, the Criminal Court is not authorised to issue an EPO. Conversely, the District Court does not have jurisdiction to try crimes punishable with imprisonment of more than 5 years.

There are no mechanisms for monitoring the implementation of and/or compliance with an EPO in Cyprus. One may assume that it is left to the victim to report violations, and the competent authority is then required to impose sanctions as foreseen by Article 12 of the national law. Similarly, there are no mechanisms to monitor that the executing state is truly enforcing the provisions of an EPO issued in Cyprus.

In terms of level of protection afforded by an EPO, Article 9 of the Directive, 'the measure adopted by the competent authority of the executing State [...] shall, to the highest degree possible, correspond to the protection measure adopted in the issuing State'. Due to a lack of data available, it is not possible to assess whether the same level of protection is provided to victims travelling to Cyprus as in the issuing country once their EPO is recognized.

If an EPO is violated, sanctions are foreseen under the national law in accordance with the Directive. Specifically, the District Court is authorised to impose criminal sanctions as foreseen by national law, or impose non-criminal sanctions as appropriate. In the event that national law does not provide for any sanction which may be taken in the circumstances, the competent court shall report the breach to the competent authority of the issuing State.

Awareness and access to information

There is no evidence of information or awareness raising campaigns targeting victims or the general public in relation to the possibility of requesting an EPO if he/she is moving to another Member State. This finding is also confirmed by the results of public survey (see below). As a result, victims benefiting from protection measures are not necessarily aware of the possibility of requesting an EPO.

Similarly, there is no evidence that professionals in contact with victims in need of protective measures (judges, prosecutors, court staff, lawyers and other professionals providing victims support) have access to organised courses, training activities or information campaigns on the EPO. This finding is also confirmed by the results of the survey to legal professionals and NGOs (see below). According to the Directive, “Member States should consider requesting those responsible for the training of judges, prosecutors, police and judicial staff involved in the procedures aimed at issuing or recognising a European protection order to provide appropriate training with respect to the objectives of this Directive.”

Survey of EU citizens

Methodology

The target group of the survey for EU citizens were men and women >18 years that are EU citizens or EU residents. The purpose of the online survey was to explore the level of awareness of protection mechanisms available for victims of gender-based violence against women in the Cyprus, as well as on European Protection Order. This information will be used to design training and awareness raising activities for legal professionals and NGOs working in the field of gender-based violence against women.

The online survey aimed to reach as many respondents as possible without purposive monitoring of sample characteristics such as region, age, and gender. The relatively small sample does not allow any generalization of the results. Therefore, study is intended to be indicative of the level of awareness of protection measures and does not allow for any generalisation of the results.

Channels used for the dissemination of the online survey in Cyprus included:

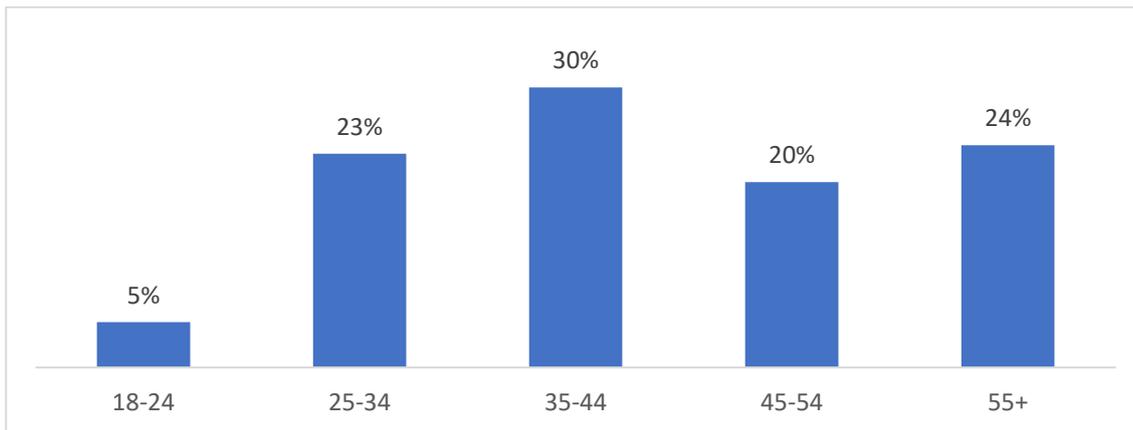
- social media channels (Facebook, Twitter, LinkedIn),
- organisation website
- electronic dissemination to organisation contact database

The survey questionnaire was completed by 230 citizens/residents in Cyprus.

Demographics

As mentioned above, the survey targeted women and men >18 years of age in Cyprus. The survey respondents represent a diversity of age groups and there are not significant differences among age groups. As can be seen in Table 1, the majority of respondents (30%) were 35-44 years of age, followed by 55+ (24%). Only 5% of respondents belonged to the age group 18-24 years.

Table 1: Respondents by age



The majority of survey respondents were women (80%) and the response rate among women was higher than among men across all age groups.

Table 2: Respondents by sex

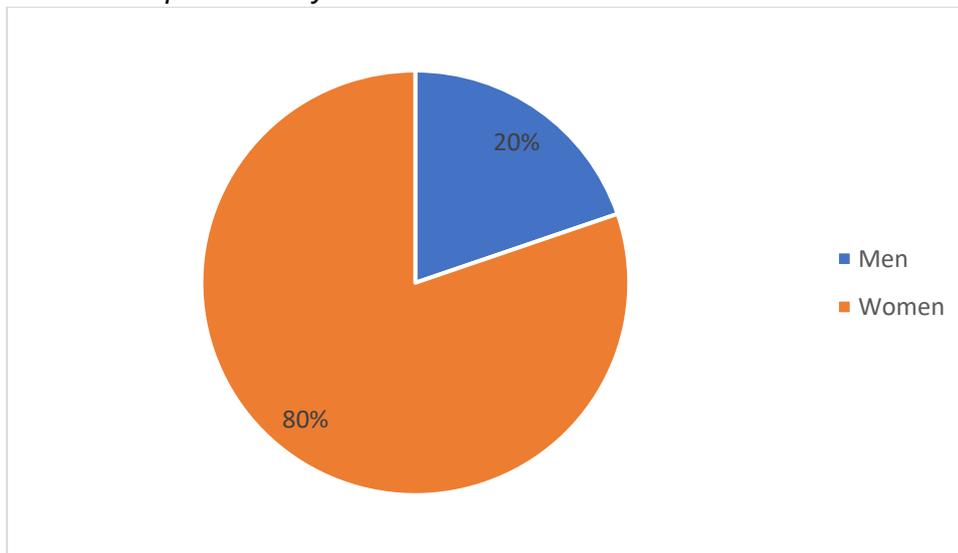
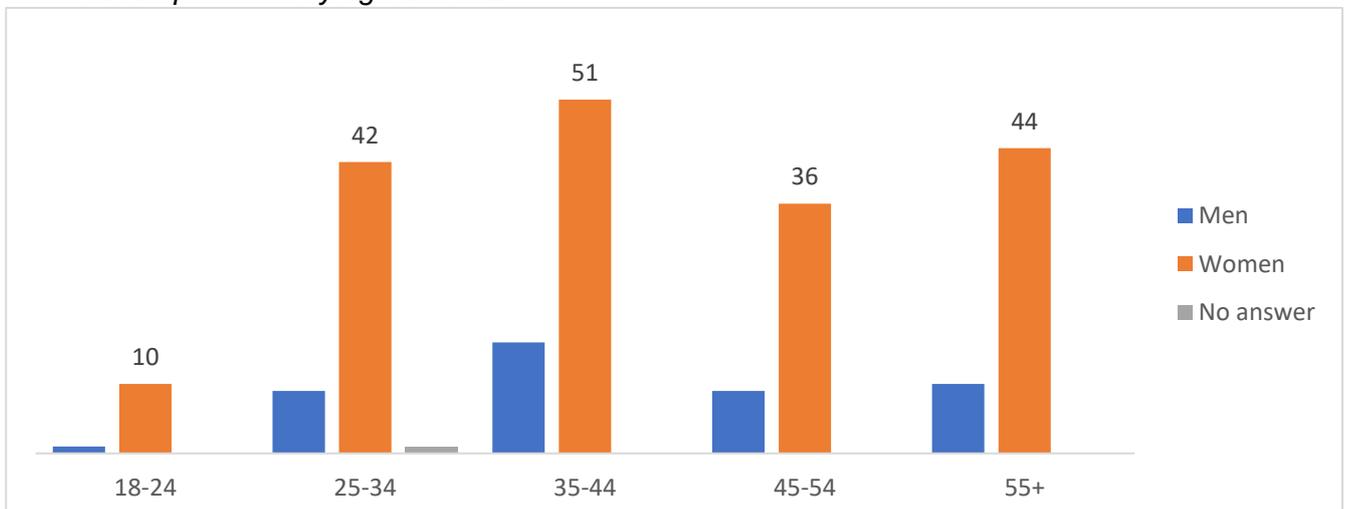
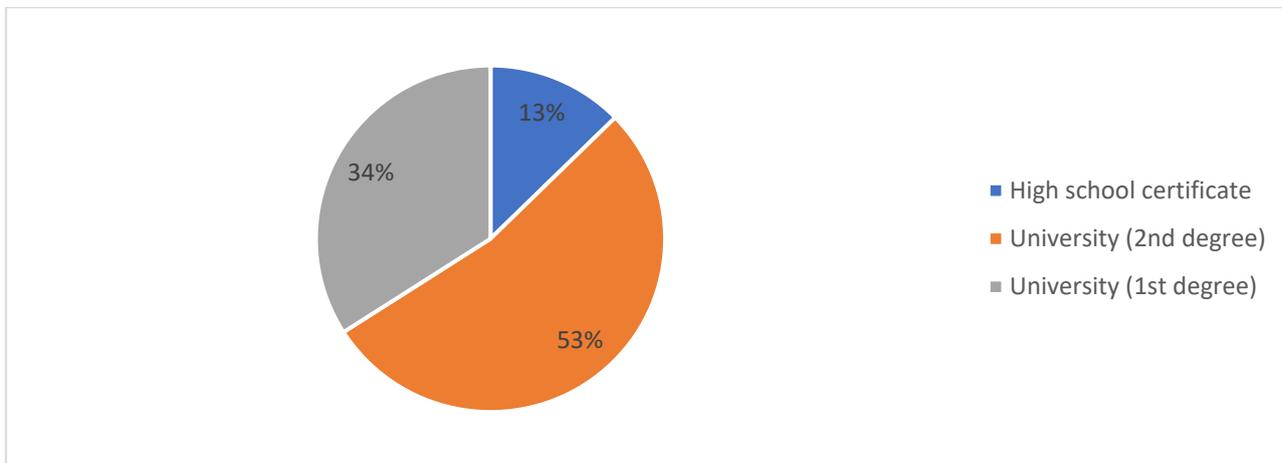


Table 3: Respondents by age and sex



In terms of educational level, the majority of respondents are holders of at least a first university level degree (83%).

Table 4: Respondents by educational level

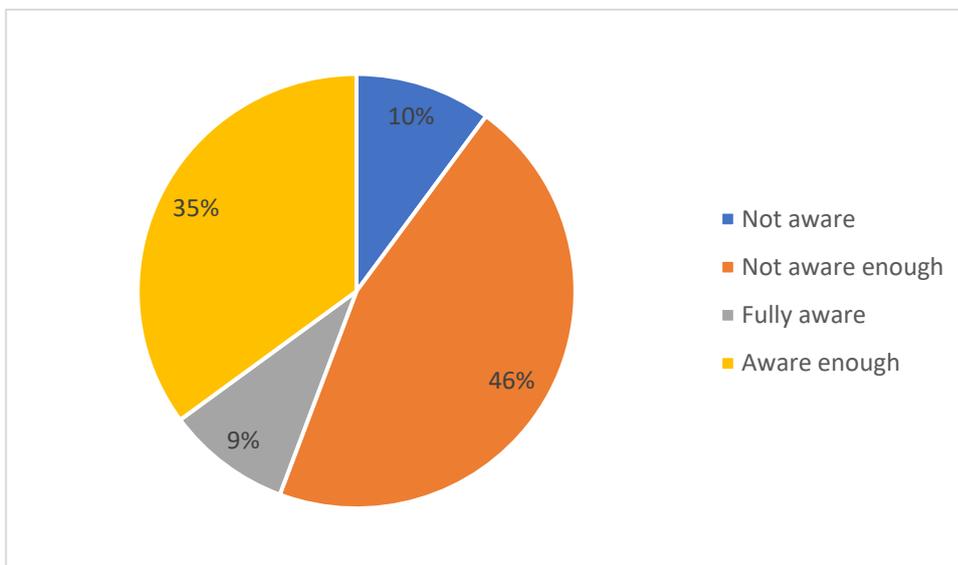


Level of awareness of support services/information for victims of violence

The second part of the survey aimed to gauge the level of awareness and knowledge of available support services and information for victims of violence among the respondents. It also aimed to understand whether respondents are aware of the rights of victims of violence.

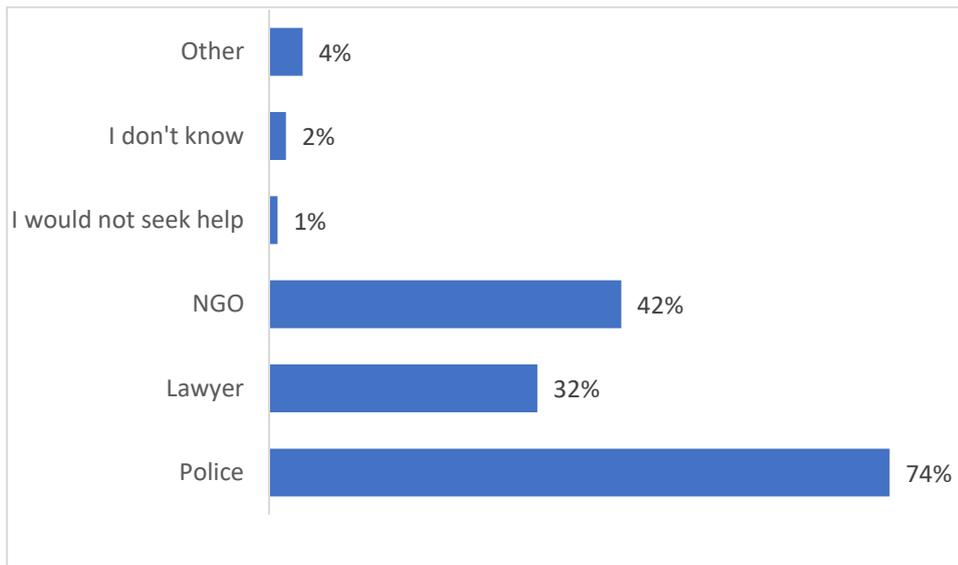
The majority of respondents felt that they were either not aware or not sufficiently aware of the support services and information available for victims of violence.

Table 5: Level of awareness of support services/information for victims of violence



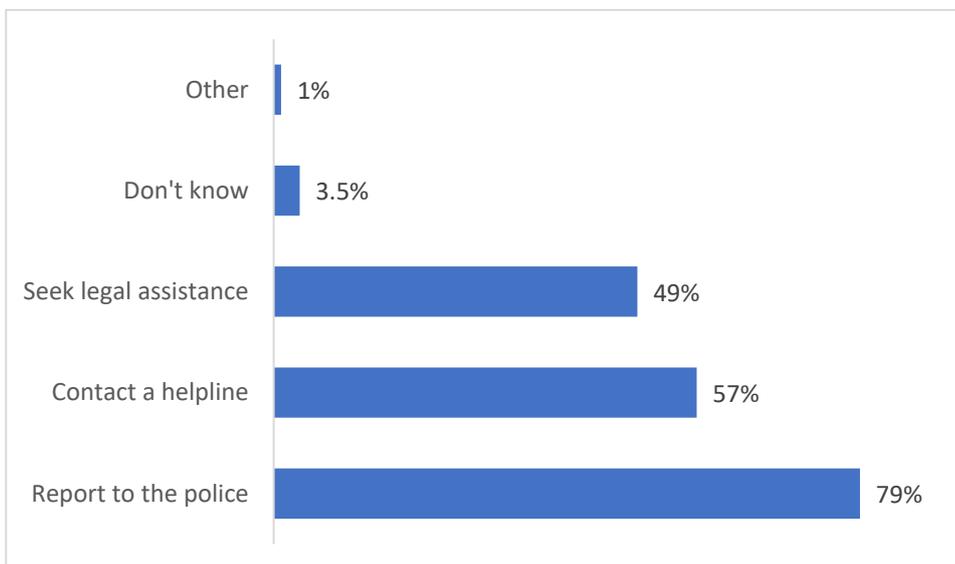
The main channels of assistance that the respondents would use are the police (74%), followed by NGO services (42%), and legal assistance (32%). Only 2% of respondents answered that they did not know where they would seek help, and 1% felt they would not seek help at all.

Table 6: If you were a victim of violence, from where would you seek help?



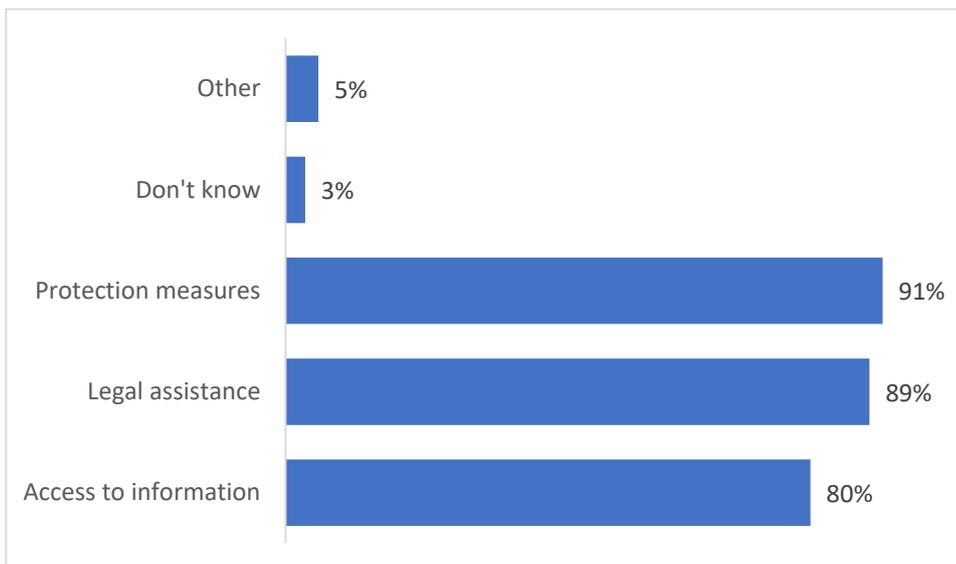
Similarly, when asked what action they would take if they were victims of violence, the majority indicated reporting to the police and calling an NGO helpline. This is reflective of the support system that currently exists in Cyprus, whereby the main channels for reporting violence and seeking support is the police and the national helpline run by the Association for the Prevention and Handling of Violence in the Family (1440).

Table 7: If you were a victim of violence, which of the following actions would you take?



As can be seen in Table 8 below, when asked about victims' rights, the right to protective measures received the highest rate of response (91%), followed by legal assistance (89%), and access to information (80%). 'Other' responses included the right to psychological support, immediate safety measures, and access to shelter.

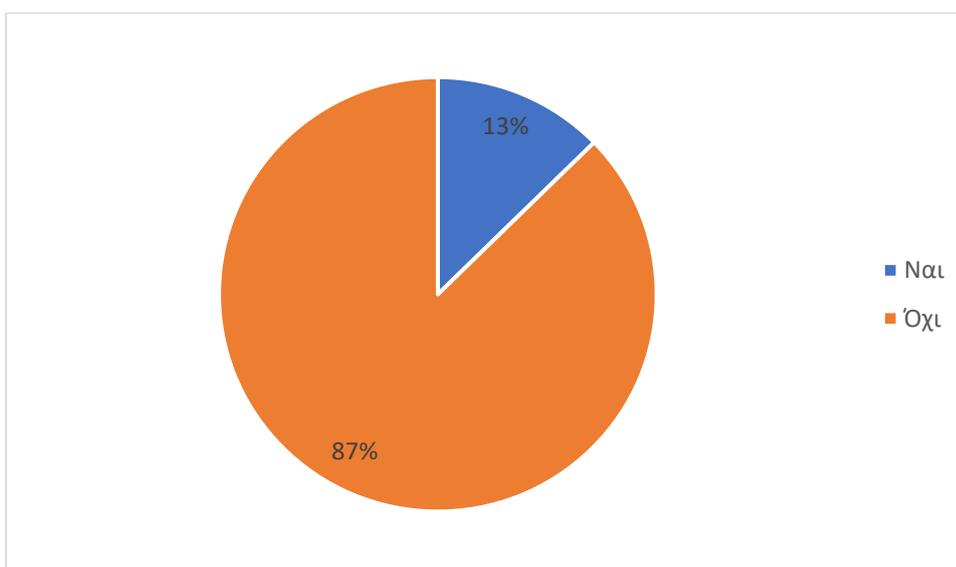
Table 8: Rights of victims of violence/abuse



Specific awareness of the European Protection Order (EPO)

Given the focus of the ARTEMIS project on the implementation of the European Protection Order across Europe, the survey also aimed to gauge the level of awareness on the EPO specifically. Given the small sample size, it is not possible to make generalizations regarding the level of awareness of the EPO in Cyprus. The results, however, support the findings of the desk research and demonstrate a low level of awareness among respondents with only 13% answering positively to this question, equivalent to 29 respondents. Differences in awareness levels among women and men were not statistically significant given the small sample size and the much higher response rate among women.

Table 9: Are you aware of the national law of your country on the European Protection Order?

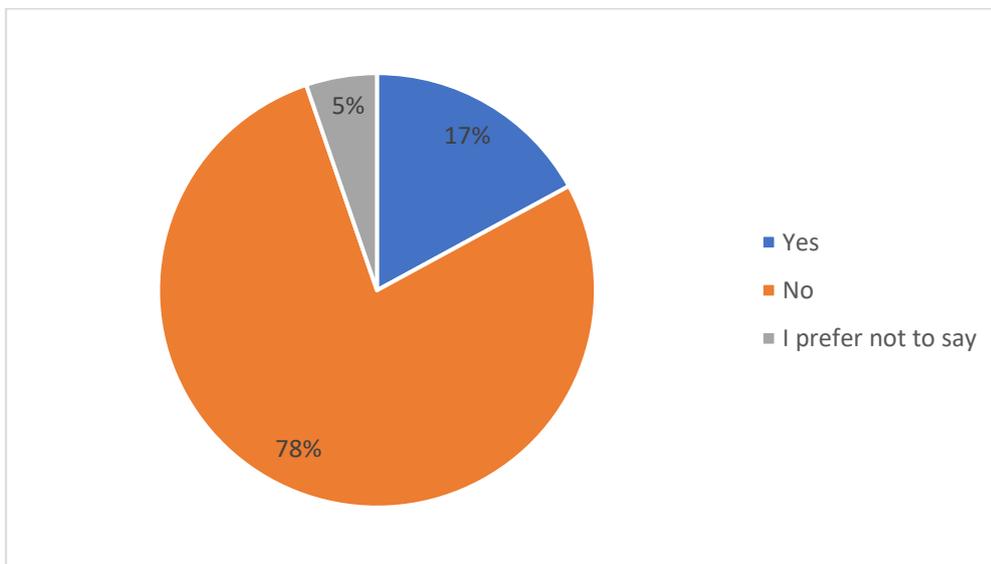


Experiences of violence/abuse

Third part of the survey aimed to explore whether respondents had experienced violence/abuse in their lives, in order subsequently assess level of access to and use of protection measures among this group.

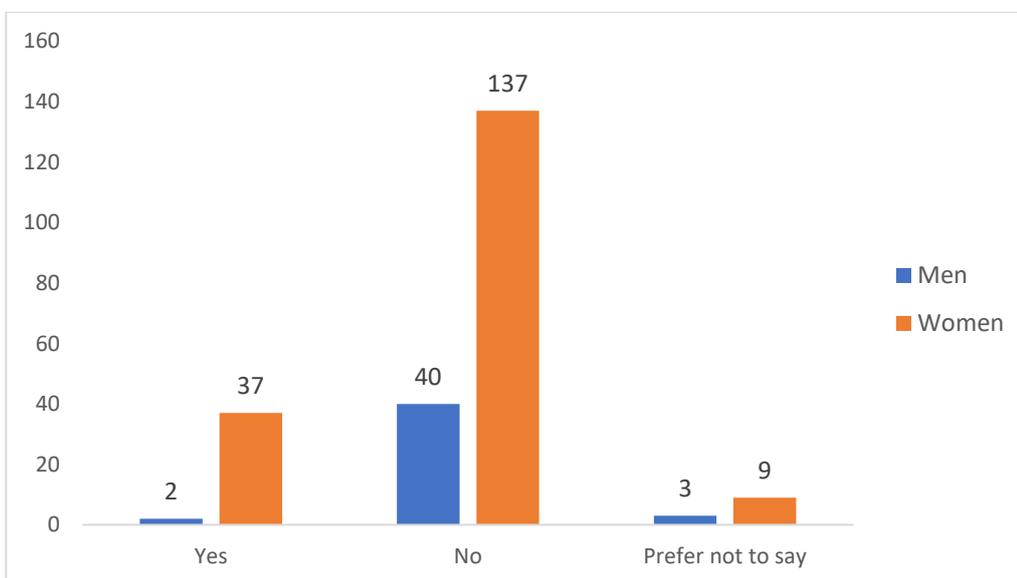
As can be seen in Table 11, 17% (40 of the 230 respondents) reported having experienced some form of violence or abuse in their life.

Table 11: Have you ever been a victim of violence/abuse?



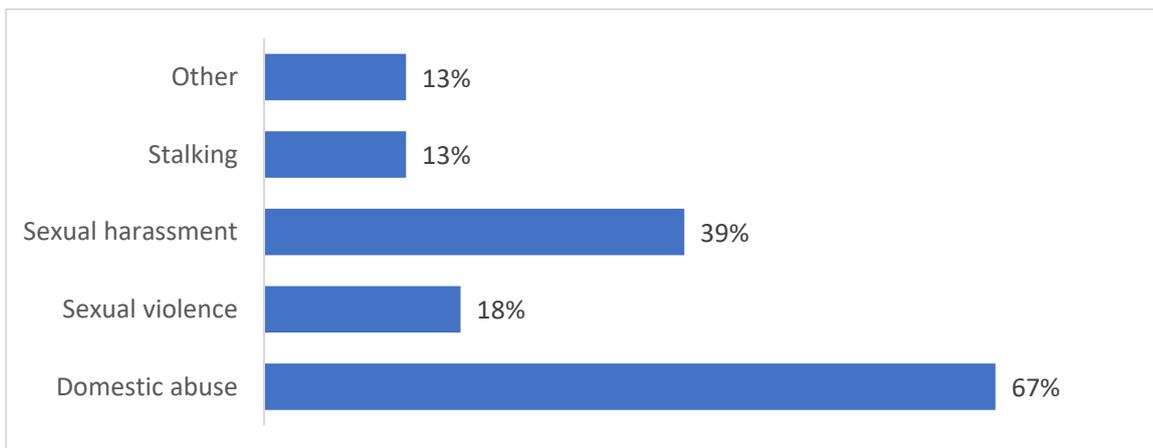
While it is not possible to make generalisations in relation to experiences of violence by sex given the small sample size, it is worth noting that 20% of women respondents (37 out of 184) responded positively to this question compared to 4.4% of men (2 out of 45). 5% of respondents indicated that they did not want to disclose this information.

Table 12: Experience of violence by sex



Respondents to the question on types of violence experienced were able to select multiple answers. As can be seen in Table 13, the most prevalent form of abuse experienced by the respondents was domestic abuse, followed by sexual harassment, sexual violence, and stalking. 13% of respondents indicated other forms of violence with psychological violence being the most prevalent.

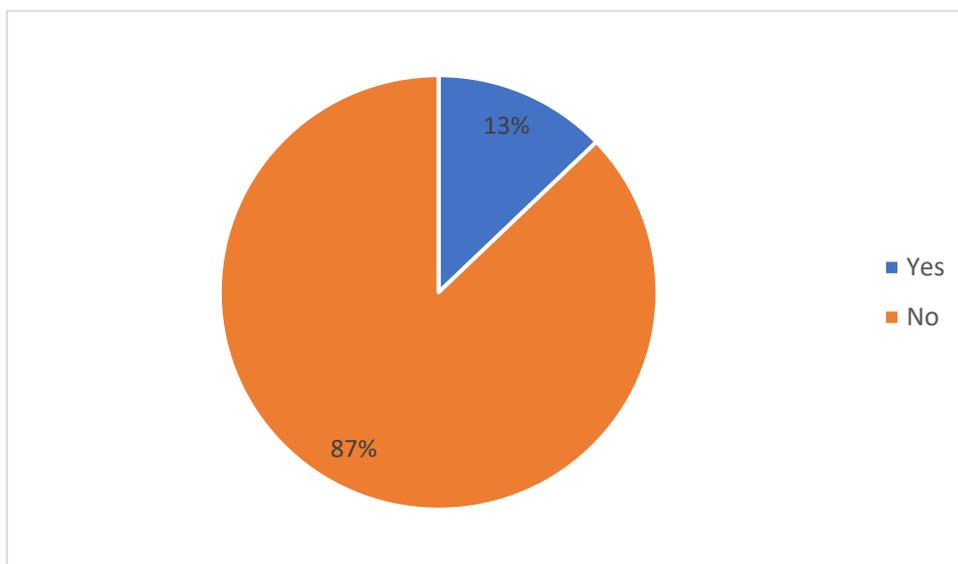
Table 13: Type of violence experienced by respondents



Level of use and experience of protection orders

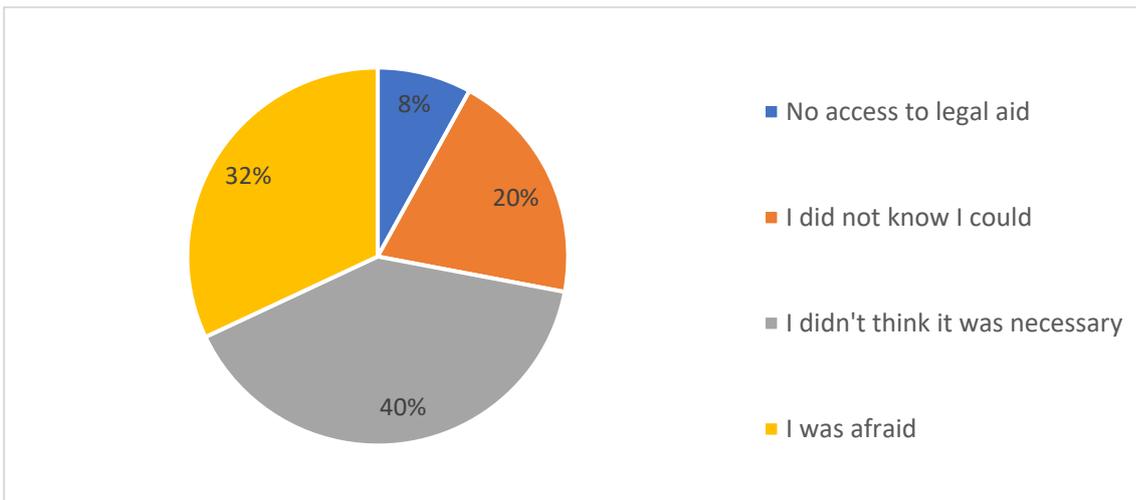
As seen in Table 14, out of the 39 respondents that reported experiencing some form of violence or abuse, five women reported having requested some form of protection order as foreseen in the national legislation (13%). Three respondents requested a protection order in the context of domestic abuse, one in the context of stalking, and one in the context of sexual harassment. It is important to mention here that stalking, as a stand-alone offence, is not criminalised in Cyprus.

Table 14: Have you ever requested a protection order?



The remaining 35 respondents that did not request a protection order, the majority claimed that they did not do so because they did not feel it was necessary (40%), while 20% report that they did not know that they had the right to do so. Importantly, 32% of those reporting having experienced violence report that they were too afraid to request a protection order. The remaining respondents reported reasons related to societal stigma and not being believed by the police.

Table 15: why did you not apply for a protection order?



Procedures for the implementation of protection orders

According to the respondents, out of the five protection orders requested, four were requested by the police, and one was requested by a legal professional. Four out of the five protection orders requested were granted. In relation to type of protection order, three of the four protection orders issued were restraining orders. The remaining respondent reported that she did not know what type of protection order she was granted. As mentioned above, restraining orders may be issued under the Family Violence law their duration is decided at the discretion of the court. In relation to the duration of the protection order granted to the respondents, one had a duration of more than six months, while the other lasted between 21 days – 3 months. Finally, in relation to the effectiveness of the protection order issues, three respondents reported that the protection order was effective, while one reported that it was not.

Level of use and experience of the European Protection Order (EPO)

The survey did not generate any results in relation to the use and experience of EPOs in Cyprus. None of the respondents that had benefited from a protection order in Cyprus reported the intention to travel to or settle in another EU Member States while their protection order was in force. Given the small survey sample, and the lack of data on protection orders and EPOs issued and executed in Cyprus it is not possible to make any assessment on the practical implementation of the EPO in Cyprus.

Survey with legal professionals and NGOs in Cyprus

The target group of the survey are lawyers/legal professionals that practice in the Republic of Cyprus. The online survey was disseminated online using social media channels, as well as through the organisations' contact database. MIGS also requested the assistance of the Cyprus Bar Association to disseminate the questionnaire to their members.

The purpose of the research to explore the level of awareness of protection mechanisms available for victims of gender-based violence against women in the Republic of Cyprus, and the extent to which such mechanisms are implemented. The survey also aimed to shed light on those factors that may impede the effective implementation of the European

Protection Order. This information will be used to design training and awareness raising activities for legal professionals and NGOs working in the field of gender-based violence against women.

Only seven legal professionals and seven NGO representatives completed the online survey. What follows is a description of the survey results.

Legal professionals

The legal professionals that responded the online questionnaire all reported that they are lawyers that offer legal representation services and/or legal counsel to their clients. Out the seven respondents, three reported offering legal assistance to victims of abuse/violence, and three reported participating in the national legal aid programme. Just four out of seven respondents have requested protection orders according to national law on behalf of victims, all of which were requested in the context of domestic abuse, sexual abuse a child, and sexual abuse. However, six of the seven respondents reported that, in their opinion, protection measures foreseen in national law are not effective.

All respondents cited barriers faced by victims in accessing effective protection measures including lack of awareness of their rights, lack of legal assistance/legal aid, and lack of victim support mechanisms.

In relation to awareness of the provisions of the national law on the European Protection Order, four out of the seven respondents that they are aware of the EPO legislation and its provisions and only one reported providing information to victims regarding their right to request an EPO. None of the respondents has applied for an EPO on behalf of victims.

None of the respondents reported having participated in awareness raising or training activities on the application of the national law on the EPO, however they all expressed that such training would be useful to their work.

Due to the very small sample size, it is not possible to make generalisations regarding the survey results. Of interest for the purposes of this study, is that all respondents reported that protection orders are not sufficiently effective in protecting victims from further violence/abuse, and that victims face significant barriers in accessing their rights.

NGO professionals

All NGO respondents to the online survey reported providing front-line services to victims of violence/abuse. Services offered include provision of information, psychological support, shelter services, and legal advice. Six of the seven respondents offer services in the context of domestic abuse, while one respondent works with victims of trafficking in human beings.

The organisations the respondents represent also carry out awareness raising activities, training and education, and engage in policy advocacy.

Six of the seven respondents reported offering information and assistance to victims in accessing protection measures; however, the same respondents felt that such protection measures are not sufficiently available to victims. According to the respondents, barriers faced by victims in accessing effective protection measures include lack of awareness of their rights, lack of legal assistance/legal aid, lack of victim support mechanisms, and weak

multi-agency cooperation. Six of the seven respondents reported that, in their opinion, protection measures foreseen in national law are not effective.

In relation to awareness of the provisions of the national law on the European Protection Order, three out of the seven respondents that they are aware of the EPO legislation and its provisions. None of the respondents, however, provides information to victims regarding their right to request an EPO.

In terms of awareness and training, none of the respondents reported having participated in awareness raising or training activities on the application of the national law on the EPO, however most respondents expressed that such training would be useful to their work.

Summary of findings

Legal framework on national protection orders

As presented in part one, the Cyprus legislation offers the possibility of adopting protection measures, be it as precautionary measures or as criminal sanctions, aimed at prohibiting visits or harassment of any member of the family, as well as the entry or presence in the family home.

These criminal measures can be adopted either before judicial proceedings (provisional restraining order) or afterwards (restraining order) and the duration of these measures is variable. In addition, protection orders can be adopted independently from other legal proceedings.

It should be noted that in cases where the legally established penalty for an act of domestic violence does not exceed 5 years of prison, the competent authority to issue the protection measures is a mixed civil-criminal court. However, when the legally established penalty exceeds 5 years of prison, the competent authority is in all cases the criminal court.

The competent authority that issued the original protection order will judge any breach of the imposed protection measures; and infringement can be sanctioned by imprisonment or a fine. In the absence of monitoring mechanisms or tools to protect victims from the breaching of protection measures, it is up to the victim to report violations. However, if the victim is under-age, the Social Welfare Services are responsible for it is social workers in the Department of Social Services who do the monitoring and report breaches to the police.

Data on national protection orders

There is no data available to ascertain the number and type of protection orders issued for victims of violence/abuse in Cyprus. There is no formal register of protection orders and the competent authorities, such as the police and the Social Welfare Services do not collect data on protections orders. It is therefore not possible to assess their prevalence or effectiveness in protecting victims. Furthermore, it is not possible to assess which factors legal authorities generally take into account when deciding on the duration and the conditions of a protection order.

Effectiveness of national protection orders

The survey results show that protection orders were issued to five out of 40 respondents that reported experiencing some form of violence or abuse. Importantly, 32% of the 35 respondents that reported having experienced violence/abuse, indicated that they were too

afraid to request a protection order. Also significant is that out of the five respondents that benefited from a protection order, three felt that the measures were effective.

The majority of legal professionals and NGO representatives that participated in the survey reported that there are significant barriers to victims accessing protection orders in Cyprus, including lack of awareness of their rights, limited access to legal aid, and lack of victim support mechanisms. The majority of respondents also reported that, in their opinion protection measures foreseen in national law are not effective.

Legal framework on the European Protection Order

Cyprus has transposed the Directive 2011/19/EU on the European Protection Order through the Law on the European Protection Order 2015 (156(I)/2015). However, the desk research as well as the quantitative survey results do not provide any tangible evidence that the legislation is applied.

The transposition technique used in this case, similarly to other EU Directives, was creating a single law in order to ensure full legislative transposition. In the case of Cyprus, transposition of the Directive was not preceded by such a consultation process, which poses significant problems in implementing the law and its provisions. Furthermore, no practical provisions, legislative or otherwise, are foreseen or have been implemented thus far to give practical effect to the Directive. This raises questions regarding the extent to which the law can be practically implemented, and deliver the necessary protection to victims of violence and abuse it was designed to provide.

According to the national law on the EPO, the body authorised to issue an EPO is the District Court, which imposed the protection order. However, an analysis of the legal framework on family violence reveals that for the most serious offences punishable with imprisonment of more than 5 years, the District Court does not have jurisdiction. This potentially constitutes a gap in protection for those victims who are facing the most serious forms of family violence, since, according to the national law, they are not able to apply for an EPO. Additionally, under the law on preventing and combating child sexual abuse, both the Criminal Courts and the Family Courts are authorised to issue protection orders for which EPOs could also be issued; yet, as mentioned above, only the District Courts in Cyprus have the competence to issue EPOs.

Data on the application of the European Protection Order

No data is available on the number of EPOs issued or executed in Cyprus. As with national protection orders, the judicial system does not record or monitor the number of EPOs issued or executed so it is not possible to assess the prevalence of EPOs issued or executed in Cyprus. While such data collection is an obligation according to Article 22 of the Directive, there is no central registry system in Cyprus to record the number of protection orders requested, issued and/or recognized.

The survey did not generate any results in relation to the use and experience of EPOs in Cyprus, as none of the respondents that had benefited from a protection order in Cyprus has applied to an EPO.

Training of professionals

Importantly, the transposed law on the EPO fails to mention the need for training of the judiciary, lawyers and prosecutors and others involved in the procedures aimed at issuing or recognising a European protection order. The desk review found no evidence of such training or information being available to professionals on the application of the EPO, and this finding is supported by the results of the quantitative survey with both legal professionals and NGOs. Both the legal professionals and NGO representatives that participated in the survey expressed that such training would benefit them in their work.

Lack of awareness/information to victims

In addition, since transposition of the Directive in 2015, there have been no specific awareness raising, information activities or campaigns on the rights of protected persons under the law. This is crucial since the application of the EPO depends on the protected person having knowledge of its availability, and the requirements and procedures for applying for an EPO to the competent court. The lack of awareness among victims is also a consequence of the lack of knowledge and information among legal professionals and NGOs that provide legal assistance and support to victims. Only one legal professional reported providing information on the EPO to their clients, while none of the NGO respondents provides this information to victims.

Recommendations

- The Cyprus Ministry of Justice should initiate a legislative review of the national law on the EPO in consultation with civil society organisations and legal professionals in order to propose relevant amendments that will give practical effect to the legislation.
- A central registry for national protection orders should be established that would also include data on the number of EPOs issued and/or received. The registry should also include data on breaches to national protection orders and EPOs and sanctions imposed.
- The Cyprus government should establish effective monitoring mechanisms for national protection orders. Such monitoring mechanisms should also monitor the implementation of EPOs issued and executed in Cyprus.
- The relevant authorities should provide organised courses, training activities and information to legal professionals providing legal advice and assistance to victims of violence and abuse.
- A national awareness raising campaign on the EPO should be implemented to inform EU citizens on the instrument. Furthermore, the right to an EPO should be included in all existing awareness raising material and information issued by the police and other authorities and made widely available to victims.

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