



*Permanent Mission of Cyprus  
Geneva-Switzerland*

*Ambassador  
Permanent Representative*

13 October 2005

Dear Mrs. Yakin Erturk,

I have the honour to refer to your letter reference no G/SO 214(89-9) of 16 August 2005 and to enclose herewith "Cyprus Report on Violence against Women" which provides information as requested in your above mentioned letter.

Please accept the assurances of my highest consideration

James Droushiotis  
Ambassador/  
Permanent Representative

Mrs. Yakin Erturk  
Special Rapporteur on violence against women  
its causes and consequences  
United Nations High Commissioner for Human Rights

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**18 OCT. 2005**

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## Cyprus Report on Violence Against Women

There is an increased awareness of and commitment towards preventing and combating violence against women and girls, including domestic violence, which for a number of years was a taboo. This has been achieved mainly through *inter alia*, improved legislation, policies, programs and setting up and strengthening of the necessary structures for the protection of victims of violence.

Successful cooperation has been achieved between governmental and non-governmental organizations in the field of preventing violence against women. Training has been provided to all interest groups to ensure maximum performance, since a high degree of specialization is a necessary prerequisite in the support of victims. The pioneering initiatives of civil society, in particular women's organizations, in the field of preventing violence against women and offering assistance to girl and women-victims of domestic violence, has played an important role in the provision of support services to women-victims of violence and in promoting awareness-raising campaigns. The sensitization programs developed were aiming at making the problem visible to society and thus creating a more conducive environment for the change and adaptation of the legal, administrative and support mechanism frameworks.

## A. Legislation

**The Violence in the Family (Prevention and Protection of Victims) Law, 1994 (L. 47(I)/1994)**, condemns any act of violence within the family, raises substantially the penalties for violence and provides protection to victims mainly by empowering the Court to issue restraining orders prohibiting the aggressor from entering or staying in the marital home. In addition, **Law 47(I)/1994**:

- clarifies that rape can be committed within marriage,
- speeds up trials dealing with cases of domestic violence,
- facilitates the reporting of violent incidents,
- provides for the appointment of Family Counselors,
- provides for the setting up of an Advisory Committee to monitor the implementation of the Law and
- provides for a Multidisciplinary Group of Experts to give the necessary assistance to children and young victims.

(2) In 2000, **the Violence in the Family (Prevention and Protection of Victims) Law, 2000 (L. 119(I)/2000)** was enacted in order to effect substantial improvements to the initial legislation. This Law provides, inter alia, for:

- taking of testimony of victims of violence by electronic means,
- protection of victims and witnesses,
- setting up of a fund to meet certain immediate needs of victims,
- establishment of a shelter where victims can have protection, and

- making the spouse a compellable witness if the victim is another member of the family.

(3) The new Law has completely restructured, the 1994 Law. Briefly, Part II deals with the meaning and the scope of violence; Part III with the appointment of family counselors and committees; Part IV introduces new provisions regarding the taking of statements by the use of audiovisual electronic means. Statements obtained by the use of these means may be produced in evidence without any need to re-examine the witness in chief; which, however, is available for the other side for cross-examination; Part V contains provisions for speedy trial and for the protection of the witness from harassment or intimidation; Part VI contains provisions for court orders for treating the accused; Part VII contains provisions regarding the establishment of a fund for assistance to victims of violence.

(4) More specifically-

- Section 17 deals with the admissibility of the evidence of a psychiatrist to whom a child patient during psychiatric treatment refers to incidents of ill treatment by any person. Such evidence requires, however corroboration by independent evidence. It is a new provision and it constitutes an exception to the hearsay rule;
- section 18 empowers the Court to provide protection to victims and witnesses of violence by taking their evidence in such a way as to avoid direct confrontation with the accused, but without depriving the accused of his right to examine the witness. The use of screens, close

circuit television links and other means producing the same effect may achieve this;

- section 19 empowers the Court to interfere and give directions regarding the mode of cross-examination with the view to avoid bullying the witness;
- section 20 makes the spouse a compellable witness if the victim of family violence is another member of the family. It is interesting to note that in an indirect way, the spouse is a compellable witness even when the violence is directed against the spouse and this is done in the presence of children, because in such a case the violence is deemed to be exercised against the child;
- sections 21 to 24 deal with the issue of restraining orders. These provisions also existed in the 1994 law;
- section 31 provides for the establishment and operation of shelters for victims. Any person who harasses a person residing in a shelter commits an aggravated offence and is sentenced to up to 5 years of imprisonment;
- section 32 provides that, if the harassment or intimidation of a victim of violence or, of a witness of family violence takes place elsewhere, the harassment or intimidation constitutes an offence punishable with 3 years of imprisonment;
- under section 34, disclosing the identity of the victim or of the offender that may lead to the identification of the victim, constitutes an offence.

This is an absolute prohibition and covers practically any person who acts contrary to the provision of this section.

(5) Sentencing Family Violence: **Law 119(I)/2000** lists offences of the Criminal Code, which, when committed within the family, are treated as particularly aggravated and, consequently, the penalty prescribed by the Criminal Code may be increased to reflect this (section 4).

(6) Suspended sentences and probation: By virtue of **Law 119(I)/2000** the Court has power to suspend sentences and to grant supervision orders (section 5).

(7) Restraining Orders: By virtue of **Law 119(I)/2000**, restraining orders may be issued against a person accused of an offence of violence ordering that person not to enter or stay in the marital home in a case where:

- the accused has a history of repeated acts of violence against members of the person's family or at least has two convictions in the last two years for similar offences; or
- the violence caused such actual, physical, sexual or psychological injury as to endanger the life, corporal integrity or sexual or psychological health of the victim; or
- the accused refused to submit himself/herself to treatment for self-control as required.

The conditions of a restraining order may be varied at an enquiry hearing in which all parties affected by it may make representations, the accused may apply for its revision or revocation. If the accused owns more

than half of the property, the Court inquires into accommodation for the accused. If the accused owns less than half, the matter is referred to the family counselor (sections 23 and 24).

(8) Corroboration: By virtue of **Law 119(I)/2000**, the reporting by a victim of violence to specific persons (e.g. a police officer, family counselor, welfare officer, doctor who examines the victim, member of the advisory committee, member of the Association of the Prevention of Violence in the Family, or any member of the close environment of the victim) within a reasonable time from the commission of the offence, constitutes corroboration of the victim's testimony (section 14).

The Court may convict the accused only on the evidence of the victim if, under the circumstances, it is not possible to secure corroborative evidence (section 16).

(9) Criminal Process: By virtue of **Law 119(I)/2000**, the Court, upon application by the police, may issue a warrant for the arrest of any person accused of violence as defined in the Law. The accused is brought before the Court to be charged within 24 hours or for the issue of a remand order. Investigation and trial follow without delay. The Court may, before the trial, either direct the detention or release on surety of the accused or his compliance with any terms the Court may impose for the protection of members of his family, including an order prohibiting him from visiting or harassing any member of his family (section 15).

(10) Ordering a minor victim to leave the home: By virtue of **Law 119(I)/2000**, during the trial of violence against a minor, the Court may order

that a minor leaves home and resides at a place of safety. An interim order, which is valid until the case is determined, may be applied for by the police, prosecutor, family counselor, or by any other person acting on the child's behalf or sworn statements by the victims (section 21).

(11) Witness Protection: Under **Law 119(I)/2002**, a victim may in confidence, report the case to the family counselor who would take all measures and steps for bringing the case before the Court. The Court may order that the evidence of the victim or witnesses may be heard, or that the whole trial may be held in camera, or may give such directions necessary for the protection of victims or other persons without prejudicing the rights of the accused to a fair trial. No information may be published in the press that would lead to the identification of the victim (section 18).

A special Law on witness protection was enacted in 2001, **the Protection of Witnesses Law, 2001 (L. 95(I)/2001)** which complements to **Law 119(I)/2000**.

## **B. Social Welfare Services**

The role of Family Counselors specified in Law 119(I) /2000, is undertaken by the Department's Welfare Officers and is considered extremely important for the guidance and support of family members experiencing family violence. 10 Family Counselors (trained Welfare Officers) were appointed in 2001 with competence to:

- receive complaints of violence and carry out investigations;

- advise, counsel, and mediate any problems in the family that are likely to lead to, or have led to, the use of violence;
- make arrangements for an immediate medical examination of the complainant;
- take all necessary steps for the commencement of criminal proceedings against the perpetrator;
- carry out investigations into the accommodation/financial affairs of the family and the perpetrator, if an inhibition order is being considered;
- carry out any other function assigned.

(2) Family counselors may seek the protection of the police and the assistance of any government officer in carrying out their duties. In carrying out investigations, family counselors have the same powers as investigating police officers. The family counselor may take advice from a multidisciplinary group when an act of violence against a person under 18 is reported.

### **C. Advisory Committee on Family Violence**

This is established under Law 119(I)/2000 for the prevention and combating of violence in the family, with competence to:

- monitor the problem of violence in the family in Cyprus;
- inform and educate the public and professionals using the media, conferences, seminars and re-education programmes;
- promote research;

- promote services necessary to deal with all aspects of violence in the family;
- monitor the effectiveness of related services and the application and enforcement of the relevant legislation.

(2) The Committee members have knowledge and experience in matters relating to violence in the family and are selected from public and private sectors. Public sector appointees are selected by the Ministry of Health, Ministry of Justice and Public Order, Social Welfare Services, Legal Service and Police. Private sector appointees are selected by associations/organizations involved in combating family violence.

#### **D. Manual of Interdepartmental Procedures**

A manual of interdepartmental procedures concerning family violence was drafted by the Advisory Committee and submitted to the Government. The manual was approved on 16/5/2002 by the Council of Ministers, for immediate implementation. This manual provides a framework of how professionals should work together and focuses on interdepartmental cooperation. It is addressed to those who work in the Social Welfare Services, the Police Force, the Health Services, the Education Services, the Law Office of the Republic and the relevant NGOs.

#### **E. Mandatory Reporting**

The reporting of family violence cases is not compulsory by law. However, the Attorney-General gave instructions in June 1998 to all relevant Government Departments to report all family violence referrals / cases to his Office

(mandatory reporting). From 1.1.1999 to 15.5.2003, 1402 such reports have been made to the Attorney-General (77 in 1999, 258 in 2000, 381 in 2001, 499 in 2002 and 669 in 2003). These cases are handled by Law Officers who, in close co-operation with the Social Welfare Services, decide whether it is in the best interest of the victim to take the case to Court (to prosecute the perpetrator).

From the records of the Office of the Attorney-General it is clear that a rapidly increasing number of cases is reported each year. This is attributed to the fact that a trust has been established with the victims and that cases are treated with absolute confidentiality and prosecution, if decided, is handled with strict observance to the provisions of the law relating to protection of witnesses and victims.

The Attorney-General has, already, decided the establishment of an electronic data bank at the Law Office of the Republic for Family Violence Reporting so that processing will be facilitated.

## **F. Police**

Members of the Police undergo specific training on the subject of family violence so that they can deal with such cases, to understand and respond to them appropriately and adequately. Given the fact that most complaints are filed by women, special-training emphasis is given to women Police Officers to whom most cases are referred.

(2) The major objective of the training programmes is to increase the participants' awareness and capabilities to assist mainly women and children

victims of violence and/or rape, and to advance their knowledge and skills in handling such cases.

(3) Since May 2002, a large amount of the work carried out by the Police in the area of violence against women and especially Family Violence is specified in the Manual of Inter- Departmental Directions for Handling Cases of Family Violence, which was adopted by the Council of Ministers of the Republic.

(4) In line with the above-mentioned guidelines, since December 2002 the Police operate a Central Bureau for Handling Issues of Prevention and Combating of Violence in the Family and of Child Abuse. The personnel of this Bureau include a staff lawyer and a staff psychologist. Further more, they operate the 24 hour Police Headquarter helpline for victims.

(5) Regarding the issue of specially designed premises, where necessary and possible, special rooms have been established and furnished, to be used for hosting and handling victims of family violence. Several of these rooms are being renovated to accommodate specialized statement videotaping equipment, which has been installed. The police began to videotape statements of victims of domestic violence. The same procedures can be applied to cases of other witnesses who are considered in need of protection under **the Protection of Witnesses Law, 2001 (L. 95(I)2001)**.

(6) Regarding training, the investment of Police in the field of family violence has continued and intensified. Training at the level of cadet, sergeant and inspector continues and specialized week-long seminars are organized annually for officers who investigate cases of family violence. Professionals

from European countries and the United States are occasionally involved in this trainings and members of the Police attend family violence training programmes delivered in the UK or in the United States.

(7) A series of three specialized 5-day family violence training programmes are scheduled for February-March 2004 so that all shifts of Crime Investigation Departments and more shifts of Police Stations are staffed with specially trained personnel. An additional training on the subject of interviewing techniques with the assistance of videotaping equipment is being reviewed and it will take place in 2004. Aiming at better interdepartmental co-operation with the department of Welfare, a number of meetings of family counselors and police officers is to take place during 2004.

### **G. Non-Governmental Organizations**

Non-Governmental Organizations (NGOs) play a very significant role in making the problem of domestic violence visible in the society, especially through their sensitization programs and public campaigns. The Government supports and subsidizes their programs and activities. One important initiative in this field was the organization of an International Conference on Violence in the Family that was subsidized by the NMWR and took place in November 2000. Shelters for battered women and a special fund for Legal Aid to victims of family violence have been set up. Both are run by NGOs and are subsidized by the Government.