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# MAPPING THE LEGISLATION AND ASSESSING THE IMPACT OF PROTECTION ORDERS IN THE EUROPEAN MEMBER STATES (POEMS)

## NATIONAL REPORT CYPRUS

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## EXECUTIVE SUMMARY

There are three ways to protect victims of domestic violence in Cyprus: (i) the police applying for a Court protection order in a District Court under Criminal Law to impose limits on an offender's access to the victim; (ii) the Social Services Department applying for a Court order in a District Court under Criminal Law to have an under-aged victim removed from the family home for his/her safety; and (iii) in the Family Court in civil law one parent can apply to obtain exclusive custody of a child in order to protect him/her from the other parent while a social worker can apply on behalf of the Director of Social Services for sole custody of a child away from both parents who victimize and/or neglect the child. A temporary protection order (termed in the legislation '*temporary exclusion of a suspect order*') can be imposed during or after the trial of domestic violence suspect *at the written request on oath of a family member, or the police or the prosecutor or the Attorney General or a Family Counsellor or another person acting on their behalf.* The court can extend the temporary protection order for up to 24 days, eight days at a time. There is means-tested legal aid available in the criminal court and in the Family Court.

Civil and criminal law POs can be issued independent from other legal proceedings. An offender can appeal against a protection order imposed by a criminal or family court and, also, a protection order imposed by a Criminal Court is reviewed every month. A civil victim-protection order imposed by the Family Court expires upon the dissolution of the marriage. The evidentiary requirements that have to be met before a violation of a protection order can be established in a criminal court are those provided for a criminal case, namely to prove beyond reasonable doubt. For a criminal court to *impose a protection order*, Art.23(2) of the Domestic Violence Law of 2000 lists *three requirements* at least one of which have to be satisfied. A variety of conditions can be included in a protection with which the offender has to comply. The court practice in both the Family and the Criminal Court is not to delineate a certain area but to detail a list of conditions with which the offender has to comply. The maximum penalty for a protection order violation is three years' imprisonment and/or 2367 euros and, if the victim is residing in a refuge, the penalty is up to five years' imprisonment and/or 4,734 euros.

There is a noticeable lack of research into both the types and incidence of protection orders and the issue of protection order effectiveness as well as regarding which factors legal authorities generally take into account when deciding on the duration and the conditions of a protection order. Also, concerning the enforcement of protection orders, they are only listed in a Court's Rule Book. In addition, there is no monitoring authority and social workers who monitor compliance in the case of under-aged children receive no training for the task.

While the seriousness with which both the courts and the police view the need to protect victims of domestic violence can be considered a good practice in Cyprus, inadequate drafting of the relevant legislation, court delays in hearing cases, the absence of a computerized database for protection orders and a dedicated monitoring authority are considered major impediments to their enforcement and effectiveness. The report concludes that no developments are foreseen in protection order legislation or enforcement in Cyprus in the near future and makes seven recommendations to improve protection orders.

## 2. NATIONAL REPORTS: CONTENT AND STRUCTURE.

### 2.1 INTRODUCTION

In the national reports we would like you to give a brief overview of which legislation/laws are relevant for victim protection purposes. Questions such as: ‘Can you provide the key provisions which enable the imposition of protective orders?’, ‘What are the procedures by which these protection orders are imposed?’, ‘How can protection orders be enforced?’ and ‘Are there any recent reforms in protection order legislation?’

Next to the above questions – which all refer to the law in the books – we are also interested in how the law is implemented in practice. It is of vital importance to see how the laws work out in practice and if there are any impediments to their effective implementation. You are also asked to comment on the workings of protection orders in practice.

In many Member States protection orders can be obtained through multiple areas of law, so not only through criminal law, but also via a civil (summary) procedure, through administrative law or other areas of law. If this is the case in your Member State, please distinguish these areas of law when you answer the questions below.

What follows is the structure which the national legal reports should take with further guidance for each section. In case you are not able to answer a certain question, please state this specifically and include the reason why the question cannot be answered (e.g., ‘no information available’ or ‘not applicable to domestic situation’).

### 2.2. OVERVIEW OF THE STRUCTURE OF THE NATIONAL REPORTS

#### 2.2.1. IMPOSITION OF PROTECTION ORDERS

- 1) We would like to know about the different forms of protection orders in your country
  - a. Identify the laws in which protection orders are regulated. Through which areas of law (criminal, civil, administrative, other) can protection orders be imposed?

There are three ways to protect victims of domestic violence in Cyprus: (i) applying for a Court protection order in a District Court under Criminal Law<sup>1</sup> to impose limits on an offender’s access to the victim; (ii) applying for a Court order in a District Court under Criminal Law to have an under-aged victim removed from the family home for his/her safety; and (iii) in the Family Court in civil law<sup>2</sup> (to obtain exclusive custody of a child in order to protect him/her from the other parent who victimizes the child or both parents who victimize and/or neglect their children) to deal with cases of domestic violence under Art. 18 of the Domestic Violence Law of 1990.

- b. Are protection orders regulated in generic law or in specific laws on forms of (interpersonal) violence (e.g., domestic violence act)?

Protection Orders are provided in the law on domestic violence but a victim may be protected from domestic violence through an application to the Family Court by a parent for sole custody of a child /children or by the

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<sup>1</sup> *Domestic Violence (Prevention and Protection of Victims) Law 119(1)/2000* [In Greek]

<sup>2</sup> Under the *Parents and Children’s Relations Law 216/1990, 1998.*  
[http://www.cylaw.org/nomoi/indexes/1990\\_1\\_216.html](http://www.cylaw.org/nomoi/indexes/1990_1_216.html)

victim being removed from the house in the case of under-aged persons following an application by the Director of Social Services for sole custody.

- c. Are these laws (or the text on the protection orders) available on the internet in English or in your local language? If so, could you provide us with a link?

The law on domestic violence is available on the Internet but only in Greek.<sup>3</sup>

- 2) a. Within the different areas of law (criminal, civil, administrative, other), you can also have different legal provisions through which protection orders can be imposed (e.g., a condition to a suspended trial, a condition to a suspended sentence, a condition to a conditional release from prison or as a condition to a suspension from pre-trial detention). Which different ways of imposing protection orders can be distinguished in the different areas of law? (please, be as exhaustive as possible).

A protection order can be imposed first by a criminal Court on someone found guilty of one of the domestic violence offences listed in the law; A criminal Court can impose a protection order that becomes activated upon release of an offender from prison; a protection order may be imposed by a criminal court instead of a penalty.

- b. When it comes to criminal law: can protection orders be imposed in all stages of the criminal procedure?

A criminal court can impose a protection order before, during or after the trial of a domestic violence offender.

If protection orders can be imposed through multiple areas of law, please make a distinction between these areas of law in answering the following questions. In other words, make sure that the following questions are filled in separately for each category of protection order. For instance, if a protection order can be imposed in both criminal and civil law, make sure that you answer for both areas of law which persons can apply for a protection order (question 3).

- 3) a. Who can apply for such an order (victims/complainants or only the police/the public prosecution service)?

In Civil/ Family Law, one of the parents or a Social Worker can apply for sole custody by the one parent or by the Director of Social services if both parents victimize and/or are incapable of caring for a child. In Criminal Law the police can apply in the District Court for PO. However, a 'temporary exclusion of a suspect order' will be considered by the Court at the written request on oath of a family member, or the police or the prosecutor or the Attorney General or a Family Counsellor or another person acting on their behalf.

- b. Which organizations or authorities are involved in applying for and issuing protection orders? (Do, for instance, probation services play a role in the issuing of criminal protection orders?)

The following are involved in applying for a protection order at the criminal Court: police, Attorney General, Director of Social Services, a parent, a family member other than a parent, a family counselor employed by the Social Services Department or someone else acting on behalf of the victim can apply for a temporary PO.

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<sup>3</sup> [http://www.cylaw.org/nomoi/enop/non-ind/2000\\_1\\_119/index.html](http://www.cylaw.org/nomoi/enop/non-ind/2000_1_119/index.html) In Greek only.

The following are involved in imposing protection order: a criminal Court and a family Court (in the latter it is protection of the victim by removing custody from the abusive parent/s, for example, or barring the offender from the house).

c. Can protection orders be issued on an *ex parte* basis (without hearing the offender)?

In Criminal Court a protection order is imposed on an *ex parte* basis following an application by a police prosecutor swearing on oath that the offence is a serious one and the victim needs protection. The offender is informed of the order because he is served with the order and he can appeal against it. Also, the victim can apply to the Family Court for a protection order under the civil law procedure on an *ex parte* basis, the offender is served with the order and he/she can appeal against it.

4) a. Are protection orders available for all types of victims or crimes, or only for a certain subset of victims or crimes (e.g., only victims of domestic violence, stalking, female victims)? In other words, can all victims receive protection?

In Cyprus, POs are only available in the criminal Courts for victims of a list of domestic violence offences. A victim, however, can also apply to the Family Court in order to protect him/herself from victimization.

b. Can protection orders be issued independent from other legal proceedings (e.g., independent from criminal proceedings if the victim does not wish to press charges or independent from divorce proceedings)?

Other than a temporary protection order on an *ex parte* basis, for a PO to be imposed by a criminal Court, the offender must be charged and found guilty of one of the violence offences listed in the law<sup>4</sup>. Under Article 15(3)<sup>5</sup> of the law, provided that Article 15(3) provides that until the case goes to trial, the Court may order that the suspect be held in custody or be released after he/she has given the Court satisfactory assurances that he/she will appear before the Court on the day of the hearing and will comply with all the conditions the Court may see fit to impose for the protection of family members, including a condition that he/she not visit or in any way disturb a member of his family.

Civil and criminal law POs can be issued independent from other legal proceedings. In practice, however, it turns out that a short-term PO (in criminal law) often coincides with criminal proceedings, because normally the event triggers the report by the victim or someone else to the police who, in turn, investigate the reported offence. Sole custody or exclusion orders in the Family Court can be obtained independent from divorce proceedings.

5) a. What procedures have to be followed in order to obtain a protection order? (please explain the different steps that need to be taken)

Upon becoming aware that one or more of the domestic violence offences listed in the law has been committed, the police, if called to the scene of the crime, normally charge and arrest the offender and bring him to Court within twenty-four hours to apply for a renewal of the of custody or to release him on bail until the trial and his bail may include a including a condition that he/she not visit or in any way disturb a member of

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<sup>4</sup> The Violence in the Family (Prevention and Protection of Victims) Laws 2000 and 2004 (*English translation and consolidation*) at: [Familyviolence.gov.cy](http://Familyviolence.gov.cy)

<sup>5</sup> The Violence in the Family (Prevention and Protection of Victims) Laws 2000 and 2004 (*English translation and consolidation*) at: [Familyviolence.gov.cy](http://Familyviolence.gov.cy)

his family. However, if the offence is reported to them as a past event, they investigate the offence reported, prosecute the offender but can apply to the Court that he be held in police custody on the basis of Article 24 of the Criminal Procedure law<sup>6</sup> until his trial date or be released on condition to appear for his trial.

**b. Could you give an indication of the length of the proceedings?**

Following an application by the police, the criminal Court (or a judge on duty after hours) can issue a warrant for the arrest of any person reported for any act of violence stated in the Law and that such a person is brought before the Court within 24 hours of his arrest in order to be charged with a domestic violence offence or in order that he be held in police custody on the basis of Article 24 of the Criminal Procedure law. Article 15(3) provides that the police investigation into and the trial of a domestic violence case be conducted without any delay. However, while the police response to an incident is usually within 20 minutes and the offender is charged within 24 hours, on the basis of the interviews with the two Family Court judges and practising family lawyers, it may 2-3 months before the trial is held and the trial itself can take up to five months. A PO, however, can be issued within 24 hours of the offender's arrest by the judge deciding whether to grant him bail or not.

An application to the family Court to protect a child by one parent applying for sole custody of the child, if contested, normally can take about 6 months for the case (this is the main cause of delays) to be tried because the Court must first have a social worker's report on the case, the trial itself can take 2-3 months and another 2-3 months for the Court to give its decision. However, if the case is not contested by the other parent or by either or both parents where the application is by the Director of Social services to have sole custody of the child, the trial can take 6 weeks and about a month for the Court to hand down its decision.

**c. Does the protection order come into effect as soon as the decision on a protection order is made or are there any additional requirements before the orders really come into effect (e.g., in civil proceedings the notification/service of the verdict to the defendant)? In other words, is the victim immediately protected or can there be a lapse of time before the actual protection begins?**

The protection order comes into effect as soon as the Court makes the decision on a protection order.

**d. Is there a regulation for interim protection that can be given immediately upon request or very quickly? For how long? What steps have to be taken in order to finalize the protection after the interim order?**

A temporary protection order (termed in the legislation '*temporary exclusion of a suspect order*') can be imposed during or after the trial of domestic violence suspect *at the written request on oath of* a family member or the police or the prosecutor or the Attorney General or a Family Counsellor or another person acting on their behalf. The protection order can be for up to eight days' *duration* from the day it is served on the defendant. The defendant must appear before the Court on the date and time specified by the Court registrar in the Order. The Court will listen to argument by the defendant or another person affected by or with a legitimate interest in the Order and decides whether to terminate the Order or extend its duration by up to eight additional days. The Court can extend the temporary protection order for up to 24 days.

In addition, if the police are called to a domestic violence incident and decide to charge and arrest the offender, upon presenting him to the Court within 24 hours in order for the Court to decide whether to hold

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<sup>6</sup> The Criminal Procedure Law of Cyprus is available only as hard copy in its original 1959 version as Chapter 155 of the Laws of Cyprus when Cyprus became independent from British rule in 1960 but it does not contain subsequent amendments.

him in custody until the trial or release him on bail, if bail is decided the offender may be released on conditions, including not to approach the victim etc. In this sense, we have an interim PO.

- 6) a. What are the application requirements in order to (successfully) apply for a protection order? In other words, under what conditions will a protection order be imposed?

For the Court to *impose a protection order*, Art.23(2) of Law 119(1)/2000<sup>7</sup> lists *three requirements* at least one of which have to be satisfied: (a) that the accused has a history of repeating acts of violence against members of his family or that he has been convicted twice in the last two years for a similar offences; (b) the violence exerted has caused such actual bodily, sexual or psychological harm, that places in danger the life, physical integrity or the sexual or psychological health of the victims; or, finally, (c) the accused refuses to undergo treatment for self-control and which is a condition imposed by Art.33 of the Criminal Code <sup>8</sup> or is otherwise imposed. The fact is, however, that if one out of three criteria is satisfied, a Court may impose a protection order.

- b. Is legal representation/advice of victims required by law or in practice?

Legal representation for the victim is provided by law in both the criminal and the family Courts.

- c. Is free legal representation/advice available?

Free legal representation/advice is available in the form of means-tested legal aid in the Criminal Court and in the Family Court.<sup>9</sup>

- 7) a. What types of protection can be provided for in the orders (e.g., 'no contact' orders, orders prohibiting someone to enter a certain area, orders prohibiting someone to follow another person around, etcetera)?

A variety of conditions can be included in a PO with which the offender has to comply, namely: to leave the house immediately, not to approach the premises where the victim/s is/are residing beyond the front gate, not to contact the victim/s by any means, not to harass the victim/s himself or through others. A temporary PO can be up to 28 days and a PO until the marriage is dissolved.

- b. Is there an order that has the effect of moving/barring a violent (or threatening) person from the common or family home (eviction or barring order)? For how long can the violent/threatening person be barred? During the barring period, is help provided to the victims? And to the offender?

Yes, a temporary barring PO can include such a condition for a maximum of 28 days or it can be a condition of a PO imposed upon the conviction of an offender which expires upon the dissolution of the marriage.

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<sup>7</sup> The Violence in the Family (Prevention and Protection of Victims) Laws 2000 and 2004 (*English translation and consolidation*) at: [Familyviolence.gov.cy](http://familyviolence.gov.cy)

<sup>8</sup> *Cyprus Criminal Code Chapter 154, Available at:*

[http://www.sbaadministration.org/home/legislation/01\\_02\\_09\\_01\\_COLONIAL\\_CAPS\\_1959/01\\_02\\_01\\_04\\_Caps-125-175A/19600101\\_CAP154\\_u.pdf](http://www.sbaadministration.org/home/legislation/01_02_09_01_COLONIAL_CAPS_1959/01_02_01_04_Caps-125-175A/19600101_CAP154_u.pdf)

<sup>9</sup> Art. 6, Legal Aid Act (Law 165(I)/2002). <http://www.cyprusbarassociation.org/v1/index.php/el/c-b-a/legal-aid-legislation>



c. Which of these types of protection (e.g., no contact order) are imposed most often in practice?

Unfortunately, in the absence of statistical data on the use of different types of protection in Cyprus, the question cannot be answered.

d. Can the different types of protection orders also be imposed in combination with each other (e.g., a no contact order and a prohibition to enter a street)?

Yes, a victim could apply to the Family for an eviction order and to the Criminal Court for a PO with harassment-protection condition/s, for example. Similarly, the Director of Social services could apply to the family Court for exclusive custody of a child or children and also apply to the Criminal Court for an order to bar the offender/s from contacting them in any way.

e. If so, which combinations are most often imposed in general?

In the absence of systematic research, the question cannot be answered. Anecdotal evidence suggests that a no contact order and a prohibition to enter a house or the victim's place of employment is an effective combination.

8) a. Are there any formal legal requirements for the formulation of protection orders? In other words, are there certain elements that always need to be included in the decision or does it, for instance, suffice if the restrained person is told 'not to contact' another person?

There are no formal legal requirements for the wording of POs. In practice, judges (especially in the Criminal Court) hand down detailed PO decisions, specifying which behavior is prohibited.

b. How does this work in practice? How elaborate are these protection order decisions in general?

In practice, judges' protection order decisions vary significantly in how elaborate they are because they reflect the seriousness of the case, the number of victims involved and the offender/s.

9) a. Are there any legal limitations to the scope of these protection orders – e.g., only a couple of streets – or are the legal authorities free to decide the scope of protection orders any way they see fit?

The judges try to balance, on the one hand, the need to protect the victim from the offender while, on the other hand, not violating the offender's own basic constitutional rights. Thus, the practice has prevailed, for example, whereby the offender is free to be in a public area near the victim's house but not beyond the victim's house front gate or that of a refuge for victims of domestic violence.

b. If there are limitations, which factors do the legal authorities have to take into account when deciding on the scope of protection orders?

See question 9a.

c. Which factors do they take into account in practice?

The main factor judges take into account is the seriousness of the case and the need to protect the victim while, at the same time, considering the offender's personal circumstances and constitutional rights.

- 10) a. How are prohibitions to enter a certain area mostly delineated? For instance, are these areas indicated on a map or are they indicated by naming the surrounding streets? Or do legal authorities use radiuses (“person A is no longer allowed to be within 200 meters of the victim’s house”)?

The Court practice in both the Family and the Criminal Court is not to delineate a certain area but to detail a list of conditions with which the offender has to comply. Thus, the judge will normally bar the offender from contacting the victim at his/her place or residence, place of employment or school, for example, by not advancing beyond the house front gate and/or not to stalk/harass the victim by any method.

- b. What is the average scope of an order that prohibits someone to enter a certain area (one street, multiple streets, a village)?

The prevailing practice is to bar the offender from approaching the victim’s place of residence or school beyond the front gate or to approach the victim in his/her place of work or otherwise to contact the victim. If the victim exits his/her house, work or school, the offender is prohibited from communicating or approaching him/her. Of course, it will be up to the victim to report the offender to the police if he/she is thus harassed.

- 11) a. Are there any legal limitations to the duration of protection orders? Do the orders always have to be issued for a specified or a determined period? And is there a maximum or minimum duration attached to the orders?

A PO imposed by a Criminal Court is reviewed every month. A civil victim-protection order imposed by the Family Court expires upon the dissolution of the marriage. A temporary PO can be for up to eight days’ *duration* from the day it is served on the defendant. The Court can extend the temporary protection order for up to 24 days, eight days at a time. A protection order (termed ‘an exclusion order’ in Cyprus) by a criminal Court has no legal limitations as to its duration but the judge specifies a date before it expires on which the Court will reconsider whether to extend it or amend the conditions of the order. The duration and the conditions of a protection order are up to the discretion of the judge. If the offender is sent to prison for more than six months his domestic violence offence, the protection order is activated upon his release from prison.

- b. Which factors do legal authorities generally take into account when deciding on the duration of a protection order?

In the absence of research, anecdotal evidence from family lawyers and two judges suggests that the factors that judges have been known to generally take into account in the Criminal Court in deciding the scope of a PO are seriousness of the case, the circumstances of the victim and the need to ensure the victim is protected.

- c. What is the average duration of the different protection orders (half a year, one year, two years)?

The complete lack of research means the question cannot be answered.

- 12) a. To what extent (if any) do the wishes of the victims influence the imposition of protection orders? Can victims, for instance, request the cessation of protection orders?

An offender can apply to the Court that the PO be reviewed or cancelled before its stated expiration day and the victim can inform the Court through his/her lawyer whether he/she opposes such a decision. However, it is the Court that will decide what it is in the best interest of the child.

b. In cases where a protection order is not directly requested by the victims, is there always an assessment of the victims' need for a protection order or do victims have to bring this up themselves?

The Court does always make an assessment, both criminal and civil, of the victims' needs and circumstances for a protection order. Also, if a short-term PO is requested by someone else other than the victim, the Court ascertains the victim's need for protection on the basis of the evidence put before it by a family member, the police or the Attorney General or a social worker or another person acting on the victim's behalf.

c. Can victims influence the type/scope/duration of protection orders? Are they, for instance, involved in deciding on the type of protection order or the scope of protection orders?

A victim may only indirectly influence the type/scope/duration of a protected order by how he/she answers possible questions by the judge about the threat and risk posed by the offender.

13) a. Can offenders formally challenge/appeal the imposition of protection orders?

The offender can formally *challenge/appeal* against a protection order to a higher Court and can also apply for cessation of the order and if the adult victim also consents he/she can testify in Court to that effect in support of the offender's application.

b. To what extent (if any) do the wishes of the offender influence the imposition of protection orders? Are, for instance, (disproportionate) disadvantageous consequences for the offender taken into account?

The extent to which the wishes of the offender influence types of conditions included in a protection order depends on the seriousness of the case involved. In very serious cases, the judge will first and foremost ensure the victim is protected, even if this means very disadvantageous consequences for the offender. The offender can, of course, appeal the decision.

c. Can offenders influence the type/scope/duration of protection orders? Are they, for instance, involved in deciding on the type of protection order or the scope of protection orders?

Offenders do not influence the type/scope/duration of protection orders. However, one cannot exclude the possibility that the lawyers of the two sides negotiate themselves the exact conditions of a PO they can agree with the Court imposing.

14) To what extent (if any), do practical impediments (such as shortage of police personnel, lack of available resources in certain (rural) areas) to the enforcement of protection orders play a role in the decision to impose a protection order? Do legal authorities, for instance, refuse to impose certain protection orders, because they know their enforcement in practice is problematic or do they impose these protection orders anyway (e.g., for reasons of 'sending a message' to the offender)?

Such impediments do not affect the decision to impose a protection order. Anecdotal evidence suggests that the police and judges take a very serious view of the need to protect a victim of violence.

15) Can previous protection orders be taken into account in other ensuing legal proceedings against the same perpetrator (e.g., as evidence of a pattern of violence)?

Yes, previous protection orders are taken into account in other ensuing legal proceedings against the same perpetrator as evidence of a pattern of violence, for example, because such a consideration is one of the three criteria (and one is sufficient by itself) for a Court to impose a protection order.<sup>10</sup>

16) a. When a protection order is issued in a case of domestic violence, are the children automatically included in the protection?

If children are not the direct victims of domestic violence and the application to the Court does not concern their own protection from the offender (e.g., when the victim is the partner), children are not automatically included in the PO.

b. How is the order granted/implemented if the violent partner has visitation rights?

If the offender has visitation rights, a protection order that only applies to the partner takes these rights into account by listing the prohibitions so that it does not violate visitation rights or in a way that still allows for contact with the children to a certain degree.<sup>11</sup> If the PO also extends to the children, it can supersede visitation rights in very serious domestic violence cases such as those involving sexual abuse of children. In less serious cases, the PO may include supervised contact with the children.

c. Are there any problems with protection orders and custody/visitation decisions by the Courts?

Anecdotal evidence from two family Court judges and two lawyers specializing in family law indicates that in practice there are problems with custody/visitation decisions by the Courts and PO decisions.

17) a. Are so-called 'mutual protection orders' (i.e., protection orders that restrain both the victim and the offender) allowed in your country?

'Mutual protection orders' are not provided for in the legislation and, as far as it has been possible to ascertain, are not used by the Courts.

b. If not or if mutual protection orders are only accepted in particular cases, in which cases are mutual protection orders prohibited and what is the rationale behind this prohibition?

There is no prohibition per se.

18) a. Are protection orders provided free of charge?

There is means-tested legal aid available in the Criminal Court and in the Family Court. In practice, however, many victims in the Family Court pay for their own lawyer.

b. If not, who has to pay for the legal costs/Court fees?

See answer to 18(a).

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<sup>10</sup> Art. 23 (3) of *Domestic Violence (Prevention and Protection of Victims) Law 119(1)/2000*.

<sup>11</sup> For example, if a father is barred from contacting his separated wife or ex-wife but has visitation rights, the PO includes a prohibition to that effect while, at the same time, specifying a way by which he can communicate indirectly with her through a third party (e.g., through her lawyer or a social worker) regarding visitation arrangements as far as his children are concerned.

c. Can these costs/fees constitute an undue financial burden for the victim (and bar him/her from applying for a protection order)?

Yes, they do especially currently when Cyprus is experiencing its worst financial crisis ever with very high numbers of unemployed, drastic cuts in salaries and greatly axed budgets for services.

## 2.2.2. ENFORCEMENT OF PROTECTION ORDERS

*If protection orders can be imposed through multiple areas of law, please make a distinction between these areas of law in answering the following questions. For instance, if a protection order can be imposed in both criminal and civil law, make sure that you answer for both areas of law where and how protection orders are registered (question 1).*

19) Where and how are protection orders registered?

There is no formal register of protection orders. They are only in a Court's Rule Book.

20) a. Is the victim always informed of the imposition of a protection order and of the conditions that the offender has to comply with?

Sadly, there is no formal mechanism to always *inform the victim* of the imposition of a protection order and of the conditions the offender has to comply with.

b. In what way is the victim informed? Does this happen automatically? By mail or letter?

A victim would normally be informed about a protection order and its conditions by his/her lawyer, first orally and then by letter.

21) Who is or which authorities are responsible for monitoring the compliance with protection orders? In other words, who checks whether these orders are violated or not?

When it comes to *monitoring compliance* with protection orders, generally it is the adult victim who monitors and reports breaches to the police. However, if the victim is under-aged, it is social workers in the Department of Social Services who do the monitoring and report breaches to the police.

22) a. Which activities can the monitoring authorities undertake to check the compliance with protection orders? (e.g., GPS, extra surveillance, house visits, etcetera)

There are no monitoring authorities. However, in the case of under-aged victims removed from their home by a decision of the Court and into the care of the Social services Department, a social worker visits the foster home concerned or the Children's Home to monitor compliance with the protection order.

b. Which of these activities do they generally undertake in practice?

Occasional home visit by a social worker in the case of under-aged victims in care or under-aged children in their own home if it is a condition of the protection order.

c. If protection orders can be monitored with the help of technical devices (e.g., GPS), how often is this used in practice?

There is no such practice.

d. Are protection orders actively monitored or is it generally left up to the victim to report violations?

Generally speaking, with the exception of cases involving under-aged children in care, it is generally left up to the victim or the legal guardian of under-aged victims to report violations.

e. How do the monitoring authorities generally become aware of a violation of a protection order: through the victim or through pro-active monitoring activities?

Generally speaking, through the victim.

23) a. Is contact with the offender initiated by the victim considered a breach to the protection order?

If contact with the offender is *initiated by the victim* him/herself, it is considered a breach of the order in cases where the victim is under-aged.

b. What (if any) role does contact initiated by the victim him/herself play in establishing or proving a protection order violation?

Only in the case of under-aged victims in care is victim-initiated contact considered as establishing a protection order violation.

c. What (if any) role does contact initiated by the victim him/herself play in the official reaction to protection order violation? Are the authorities, for instance, less inclined to impose a sanction on the offender if the victim initiated contact him/herself?

The Courts have great difficulty deciding whether breaches of the kind described in 23)a-b actually prove a breach of the order and are, thus, less inclined to impose a sanction on the offender. Also, the police, too, have great difficulty in deciding to prosecute such protection order violators.

24) a. Which evidentiary requirements have to be met before a violation of a protection order can be established?

The *evidentiary requirements* that have to be met before a violation of a protection order can be established are those provided for a criminal case, namely to prove beyond reasonable doubt (e.g., on the basis of eyewitness testimony etc) that the act alleged has indeed taken place

b. Which procedure(s) has to be followed in order for the protection order to be enforced after a violation?

If a *protection order is violated* that has been imposed by a District Criminal Court, the police respond immediately upon being notified and intervene to arrest the culprit and, especially in serious protection order violation cases, take him to Court charging him with contempt of Court, an offence punishable with immediate imprisonment. If an order *imposed by the Family Court* is violated that was made to protect a victim (e.g., for sole custody or to bar the partner from the house), it is handled the same way by the police as for a protection order imposed by a District Criminal Court.

25) a. What are possible reactions/sanctions if a protection order is violated?

A protection order violation is normally reported to the police who immediately take the violator before a Court charging him with contempt of Court if the violation is deemed to be a serious one.

b. Are there only formal reactions/sanctions available, or are there also informal reactions possible to the breach of a protection order (e.g., a change of the conditions, a warning)?

Anecdotal evidence indicates that the police sometimes give the protection order violator a warning if they judge that the violation is not a serious one.

c. Which (official or unofficial) reaction usually follows on a protection order violation?

An allegation of a protection order violation must be reported to the Court by the police when they are notified and if the Court finds that the allegation is proven beyond reasonable doubt and finds the offender guilty of contempt of Court it often sends him/her to prison but the Court has the option of imposing a fine or a combination of the two sanctions.

d. In your opinion, are the sanctions/reactions to protection order violations 'effective, proportionate and dissuasive'?

Those I interviewed consider the sanctions/reactions to protection order violations effective, proportionate and dissuasive but there has been no research proper to be able to answer the question.

e. Are reports of PO violations, such as emergency calls by the victims, automatically given priority (e.g., with the police)?

Yes, as far as it has been possible to ascertain (but in the absence of research into the question posed), the police respond immediately and treat as high priority emergency calls by victims.

26) a. Is the violation of civil, administrative or other protection orders criminalized?  
In other words, is the violation of any protection order an offense in itself?

Violation of protection orders imposed by the criminal Court under the Domestic Violence law are criminalized and constitute contempt of Court.

b. If so, what is the range of sanctions (minimum and maximum penalty) attached to a violation?

If found to be in contempt of Court by breaching a protection order imposed by a criminal Court, the penalty for a protection order violation is three years' imprisonment and/or 2367 euros and, if the victim is residing in a refuge, the penalty is up to five years' imprisonment and/or 4,734 euros.<sup>12</sup>

c. If so, how do the police generally react to a violation of a civil, administrative or other protection order?

The police normally react to a violation of a criminal Court protection order by arresting the offender and taking him to Court within 24 hours.

d. If not, can the victim still call in the help of the police and how do the police react?

Victims routinely call the police first if a protection order is violated and the police respond immediately.

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<sup>12</sup> The Violence in the Family (Prevention and Protection of Victims) Laws 2000 and 2004 (*English translation and consolidation*) at: [Familyviolence.gov.cy](http://Familyviolence.gov.cy)

- 27) a. Is the monitoring authority capable of issuing a sanction following the breach of the order or does the authority have to report the violation to another authority in order for the sanction to be issued?

With the exception of the Social Services Department in the case of victims who are under-aged and have been taken into care, there is no monitoring authority.

- b. If so, are they obliged to report all violations or do they have a discretionary power not to report violations?

The Social Services personnel have to report the violation to the police who, in turn, take the violator to Court for the sanction to be imposed. However, anecdotal evidence indicates that in practice they do not always report violations to the police.

- c. If so, how is this discretionary power used in practice?

In practice, a social worker would consider the seriousness of the violation in deciding to report it or not.

- 28) Do monitoring authorities receive training in how to monitor and enforce protection orders?

The social workers who monitor the enforcement of protection orders for under-aged victims *do not receive training* in how to monitor and enforce protection orders.

### 2.2.3. TYPES AND INCIDENCE OF PROTECTION ORDERS

*This section inquires after the presence of (empirical) studies into the **nature and incidence** of protection orders in your country. If such studies have been conducted, please refer to these studies and give a brief (English) summary of the research design, methods and most important outcomes of the studies in an appendix.*

- 29) Is there any (empirical) information available on the number of protection orders imposed on a yearly basis in your country? How often are protection orders imposed on a yearly basis? Please distinguish per area of law.

There is no empirical information

- 30) a. Which types of protection orders (no contact, prohibitions to enter an area, eviction from the family home, other) are imposed most often?

The absence of any empirical studies means the question cannot be answered.

- b. Which combinations of protection orders are most often imposed?

The absence of any empirical studies means the question cannot be answered.

- 31) For which types of crimes are protection orders generally imposed (IPV, stalking, rape, other)?

The absence of any empirical studies means the question cannot be answered.

- 32) Is there any (empirical) information available on specific victim and offender characteristics?  
a. Are protection orders generally imposed against male offenders on behalf of female victims?

The absence of any empirical studies means the question cannot be answered.



- b. Which percentage of the restraints already had a prior police record?

The absence of any empirical studies means the question cannot be answered.

- c. Which percentage of the restraints already had a previous protection order imposed against him/her?

The absence of any empirical studies means the question cannot be answered.

#### 2.2.4. PROTECTION ORDER EFFECTIVENESS

*This section inquires after the presence of (empirical) studies into protection order **effectiveness** and the reaction to the violation of protection orders. If any such studies have been conducted in your country, please refer to these studies and give a brief (English) summary of the research design, methods and most important outcomes of the studies in an appendix.*

- 33) a. Is there any empirical information available on the effectiveness of protection orders in your country? Do protection orders stop or reduce the unwanted contact? Or do they have another effect (e.g. improve the well-being of the victims, change in the nature of the violence)?

There is no empirical information on the issue of protection order effectiveness.

- b. Which percentage of the imposed protection orders are violated?

The absence of any empirical studies means the question cannot be answered.

- c. If protection orders are still violated, are there any changes in the nature of the violence (e.g., violent incidents are less serious)?

The absence of any empirical studies means the question cannot be answered.

- d. Is there any empirical information on the role that victims play in protection order violations (e.g., percentage of cases in which the victims themselves initiated contact)?

There is no empirical information on the role that victims play in protection order violations.

- 34) Is there any empirical information available on factors which significantly influence the effectiveness of protection orders, either in a positive or a negative way?

No there is not.

- 35) Is there any empirical information available on the formal and informal reaction of the enforcing authorities to violations?

- a. How often (what percentage) do violations lead to a formal reaction?

The absence of any empirical studies means the question cannot be answered.

- b. How often (what percentage) do violations lead to an informal reaction?

The absence of any empirical studies means the question cannot be answered.

c. How often (what percentage) do violations lead to no reaction?

The absence of any empirical studies means the question cannot be answered

#### 2.2.5. IMPEDIMENTS TO PROTECTION ORDER LEGISLATION, ENFORCEMENT AND EFFECTIVENESS

36) Which impediments are present in your country when it comes to:

a. Problems with protection order legislation

A problem with the existing legislation on protection orders is that the *Domestic Violence (Prevention and Protection of Victims) Law 119(1)/2000*<sup>13</sup> is badly drafted (e.g., it treats the same such serious forms of domestic violence as rape and not serious ones such a minor assault) and, consequently, it is difficult to interpret and the Courts have reached no consensus concerning the interpretation of key terms in the legislation.

b. Problems with protection order imposition/issuing/procedure.

Court delays in deciding protection order violation cases due to the sheer workload of the Courts and the fact that the Courts are understaffed is a major problem.

c. Problems with protection order monitoring.

The absence of a central computerized protection order register and a dedicated monitoring authority significantly undermines protection order monitoring.

d. Problems with protection order enforcement

Court delays in deciding protection order violation cases is a major problem affecting their enforcement.

e. Problems with protection order effectiveness?

Excessive Court delays in the Courts' deciding protection order violation cases is a major problem impact on their effectiveness.

37) In your opinion, what is/are the biggest problem(s) when it comes to protection orders?

The biggest problems are the badly drafted legislation (see 36a), the absence of a monitoring authority, judges; under-utilization of the 'speedy trial' procedure for protection orders and, finally, Court delays in handling protection order cases.

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<sup>13</sup> The Violence in the Family (Prevention and Protection of Victims) Laws 2000 and 2004 (*English translation and consolidation*) at: [Familyviolence.gov.cy](http://Familyviolence.gov.cy)

## 2.2.6. PROMISING/ GOOD PRACTICES

38) Which factors facilitate the:

a. Imposition

The fact that the Courts take a very serious view of the importance of victim protection.

b. monitoring, and

The fact that in the case of under-aged children taken into care and for which a protection order has been imposed social workers monitor compliance with the order and, also, that the police response to a protection order violation report is immediate.

c. enforcement of protection orders?

The immediate response of the police to a report of a protection order violation, the frequently immediate arrest of the violator in serious cases, holding him in police cells and bringing him to Court within 24 hours.

39) Which factors increase the effectiveness of protection orders? In your opinion, which factor(s) contribute most to the success of protection orders?

The fact that both the police and the Courts consider victim protection a priority and if an offender breaches a protection order and is found to be in contempt of Court and the penalty is often imprisonment, it acts as a deterrent.

40) What would you consider promising practices in your country when it comes to protection orders? Why?

Art.31 of the Domestic Violence law of 2000<sup>14</sup> provides for the establishment of refuge for victims of domestic violence and for the punishment of the accused or any other person acting alone or on behalf of the accused and disturbs or frightens a victim of domestic violence in a way that may affect the investigation or trial of the case or psychologically upsets a victim of domestic violence or a witness in such a case (Art.32). Such behaviour constitutes a criminal offence punishable with up to three years' imprisonment or a fine not exceeding 1708 euros or both. If the disturbance or frightening is against a victim staying in a refuge, then the criminal offence committed is punishable with up to five years' imprisonment or a fine of 5124 euros or both penalties. Such cases may be tried under the speedy trial procedure.

41) Do you have any recommendations to improve protection order legislation, imposition, supervision, enforcement and effectiveness?

(a) The *Domestic Violence (Prevention and Protection of Victims) Law 119(1)/2000* itself needs to be amended to remedy problems with its interpretation by the criminal Courts. As far as the definition of 'violence' is concerned, it includes 'psychological harm' but the term is vague and needs to be specified in terms of how its existence is to be proved (e.g., symptoms and/or, expert evidence). The same applies in the case of the term 'serious violence'. The ambiguity of 'psychological harm' is even more worrying when we bear in mind that, as stated in Appendix-1 below, according to the Cyprus Association for the Treatment and Handling of Violence in

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<sup>14</sup> The Violence in the Family (Prevention and Protection of Victims) Laws 2000 and 2004 (*English translation and consolidation*) at: [Familyviolence.gov.cy](http://Familyviolence.gov.cy)

the Family research report in 2012 (covering the period jan.1997-June 2012)<sup>15</sup>, the most frequent type of abuse reported was psychological

(b) A Court trying a defendant for domestic violence and considering a Protection Order can accept a request by the defendant that he be given a probation order with a condition that he undergoes treatment for self-control (Art.25(1)) but such services should be made available to implement such a probation condition. The necessary services ought to be established to offer 'self-control' treatment programmes to domestic violence offenders on probation orders with a condition for such treatment.

(c) Every effort should be made so that asylum applicants who are victims of domestic violence and are currently not, in the main, enjoying the protection afforded by the existing legislation be encouraged to report their victimisation to the police.

(d) Social workers monitoring the enforcement of such orders should receive specialist training.

(e) A central electronic register and a monitoring for protection orders should be established.

(f) That systematically statistics are collated electronically and analysed annually regarding all aspects of protection orders and a report on the conclusions reached be publicly available.

(g) Finally, the criminal Courts should utilise a lot more the procedure available for speedy trials for domestic violence cases in order to protect the victims more efficiently and effectively

### 2.2.7. FUTURE DEVELOPMENTS

42) Do protection orders feature at the moment in current discussions (in politics) on the protection of victims?

Currently in Cyprus protection orders do not feature in discussion (in politics) on the protection of victims

43) a. Will the legislation/practice on protection orders change in the nearby future? Are there, for instance, any bills proposing changes to the current practice?

Legislation/practice on protection orders is unlikely to change in the near future.

b. If so, what will change?

Not Applicable (see 42)a).

c. Are there at the moment any pilots in your country with a new approach to victim protection orders.

No there are not.

44) Which (if any) developments in protection order legislation or enforcement do you foresee in the nearby future?

I do not foresee any developments in protection order legislation or enforcement in the nearby future.

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<sup>15</sup> Available in greek only.

45) You have probably heard about the introduction of the European Protection Order (EPO). From now on, criminal protection orders issued in one Member State have to be recognized in another Member State. What is your opinion on the EPO? Which problems/possibilities (if any) do you foresee in the implementation of the EPO in your Member State?

The EPO is a very significant development, it will greatly assist in protecting victims in Cyprus who are citizens of other EU Member States and the enforcement of EPOs in Cyprus will not be a problem.

## APPENDIX I

### Domestic Violence in Cyprus: victims and offenders, 1997-2012

On the basis of the last census, in September 2012 the officially known population of the Republic of Cyprus<sup>16</sup> was 840,407. Of them, half (420,172) are married and 37,405 are divorced. The Cyprus Association for the Treatment and Handling of Violence in the Family, inter alia, offers face-to-face and over the phone advice and guidance concerning domestic incidents and, also, provides a shelter for victims of domestic violence. According to the Association's research report in 2012, during the period January 1997-June 2012 the Association handled 14,228 cases, yielding an average of 77 domestic incidents each month. In the same period, a total of 963 victims of domestic violence requested shelter, averaging 68.79 requests a year.

Of the victims, 63% were married, 17% single, 18% separated and 2% widowed/engaged, 77% were adults and of those 92% were female. The two genders were equally represented among child victims. There were 130 victims who were pregnant, 77% of the victims lived with their abuser and 92% had children. Of the 12,312 victims whose nationality was known, Greek-Cypriots made up 86%, Greeks 3% and the remaining 11% comprised different nationalities. Of the 8,009 victims for whom the information was available, 46% were unemployed.

Regarding the relationship between victims and offenders, of 12,239 cases, the victims was spouse (68%), parent (14%), child (9%), ex-spouse (4%) or a sibling (1.5%).

The most frequent type of abuse reported was psychological, followed by physical, sexual and neglect and combinations of different types.

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<sup>16</sup> Those living in the free areas of the Republic, i.e. not in the areas in the northern part of Cyprus that is under the occupation of the Turkish army.