

Rehabilitation and mutual recognition – practice concerning EU law on transfer of persons sentenced or awaiting trial

May 2015

Country: Cyprus

FRANET Contractor: University of Nicosia and Symfiliosi

Author(s) name: Corina Demetriou

Reviewed by (on contractor's side): Nicos Trimikliniotis

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Section A: General information on existing situation: probation measures, alternative sanctions and supervision measures as an alternative to pre-trial detention

Please add the information required to answer the questions. Provide supporting or explanatory information – highlighting laws, policies and measures which justify the answer.

Q1. Please outline the specific probation measures or alternative sanctions that are available at the post-trial stage in the Member State on which you are reporting:

Cyprus has transposed the Framework Decision on Alternative Sanctions almost verbatim without adding any additional grounds of refusal beyond those set out in Article 11 of this framework decision.¹At the same time, however, it has not adopted any procedures nor has it established any mechanisms to render the implementation of this framework decision possible, other than those already foreseen in national legislation in force prior to the transposition of this framework decision. These are set out below.

Probation legislation, community work and conditional release

In respect of offences for which no particular sentence is foreseen in any law, District Courts can issue probation orders placing the offender under the supervision of a probation officer appointed by the Minister of Labour, Welfare and Social Insurance, for a period ranging between one and three years. The probation order may require the offender to comply with any terms including the duty to perform community work without pay for a specified number of hours or to attend educational courses of a specified content and duration. The court will impose the community work requirement only if:

- The offender consents to it;
- The Ministry of Labour, Welfare and Social Insurance can make arrangements for community work in the city or area where the offender resides; and
- The offender is deemed by the court to be suitable for such work, taking into consideration the relevant report of the probation officer.

¹ Cyprus, Law providing for the implementation of the principle of recognition of judicial decisions and decisions for the suspension of the sentence or conditional release for the purpose of supervision of probation measures and alternative sanctions (*Νόμος που προνοεί σχετικά με την εφαρμογή της αρχής της αναγνώρισης δικαστικών αποφάσεων και αποφάσεων αναστολής εκτέλεσης της ποινής ή απόλυσης υπό όρους με σκοπό την εποπτεία των μέτρων αναστολής και των εναλλακτικών κυρώσεων*) N. 69(I)/2014, 23 May 2014. Available at www.cylaw.org/nomoi/arith/2014_1_69.pdf

As an alternative to the probation order, the court may decide not to impose any sentence whatsoever upon an offender who is found guilty of an offence for which no particular sentence is foreseen in any law, or to acquit such an offender on condition that he or she will not commit an offence for a period not exceeding 12 months.²

Extra-prison occupation and the electronic bracelet

In Cyprus, prison legislation provides for two types of alternative sanctions for prisoners who have already served part of their sentences:

- The Centre for Guidance and Extra-institutional Occupation of Prisoners, which admits prisoners who are selected as eligible for work or for attending classes in secondary or tertiary education outside the prison.³ Although the Centre is located within the prison building and is strictly guarded by prison guards, detention conditions are more relaxed to enable the prisoners admitted to it to go out for work or for lessons and return.⁴
- The prisoners admitted to the Centre are also eligible to serve part of their sentence under house arrest, after an electronic device has been fitted onto one of their limbs, usually their left foot, to monitor their movements in order to ensure they do not abscond. To be eligible for this measure, prisoners must have been convicted for non-sexual offences (e.g. rape, abduction of a minor, defilement, promotion to prostitution, intercourse between men under 17)⁵, must have been sentenced to prison for longer than three months and less than four years and must have served at least half of their sentence. The house arrest sanction may range between 15 days and four months.⁶ This sanction is discretionary upon the prison authorities and in particular upon a special committee consisting of the prison director, the prison officers, the prison teacher, the prison social worker and the prison psychologist.⁷

These measures do not constitute rights of the prisoners: they are discretionary upon the prison authorities who may decide to grant them using general guidelines which are by no means binding on them.

Periodical imprisonment

A Court which has convicted a person of an offence for which a prison sentence not exceeding three years is foreseen has the power to grant to such person the right to carry out part or all of his or her sentence through a scheme of 'periodical imprisonment' which essentially means spending successive periods

² Cyprus, Law on Probation and Other Means of Treatment of Offenders of 1996 (*Ο περί Κηδεμονίας και Άλλων Τρόπων Μεταχείρισης Αδικοπραγούντων Νόμος του 1996*) N. 46(I)/1996. Available at www.cylaw.org/nomoi/enop/non-ind/1996_1_46/full.html

³ Law on prisons of 1996 (*Ο Περί Φυλακών Νόμος του 1996*) N. 62(I)/1996, Article 6. Available at www.cylaw.org/nomoi/enop/non-ind/1996_1_62/index.html

⁴ Representative from the Ombudsman.

⁵ Cyprus, The Criminal Code (*Ο Ποινικός Κώδικας*) Cap. 154, Articles 144, 145, 147, 148, 149, 153, 154, 155, 158-161, 171, 172, 174. Available at www.cylaw.org/nomoi/enop/non-ind/0_154/index.html

⁶ Law on prisons of 1996 (*Ο Περί Φυλακών Νόμος του 1996*) N. 62(I)/1996, Article 21B. Available at www.cylaw.org/nomoi/enop/non-ind/1996_1_62/index.html

⁷ Law on prisons of 1996 (*Ο Περί Φυλακών Νόμος του 1996*) N. 62(I)/1996, Article 21A. Available at www.cylaw.org/nomoi/enop/non-ind/1996_1_62/index.html

in jail starting from Friday night at 8pm until 5am following Monday, at a maximum of 52 weeks.⁸ To grant periodical imprisonment, the Court must be satisfied that, in light of the circumstances and the nature of the offence as well as on the basis of a socioeconomic report of the Social Services, the person convicted is suitable for such a measure. The law does not provide an exhaustive list of criteria to be met in order for such right to be granted, but states that one of the factors in favour of granting periodical imprisonment is for the offence to relate to acts of violence in athletic grounds.⁹ As such, the measure may be said to target the youth, although older persons being convicted of acts of hooliganism are not excluded from the scope of the law.

Release on parol after having served half of sentence

Prisoners whose sentence exceeded two years of imprisonment and have already served half of their sentence, as well as prisoners who were sentenced to life imprisonment and have served at least 12 years of their sentence, may apply to the prison's parol board to require their conditional release and the serving of their remaining sentence outside the prison under the supervision of a parole officer. The conditions of release imposed by the parole board may include a prohibition of visiting or residing or working in specified areas or fields, prohibition of coming into contact with specified persons or categories of persons, attending programs of rehabilitation from alcohol or drug addiction or another state of dependence that obviously relates to the commission of criminal acts, attendance of a specified program of work or vocational or educational training.¹⁰

Sanctions for sexual abuse and exploitation of children

The law on sexual abuse of children provides for additional sanctions which may be imposed by the court at any stage of the procedure such as the exclusion from public benefits or grants, the prohibition of commercial trading, the liquidation of companies, the closure of premises used for committing the offence, the prohibition of employment in areas frequented by children, the prohibition of residing with the victim or in a space close to children or frequented by children, the forced acquisition and sale of an object used for committing the offence and the admission of the accused to psychiatric examination and/or treatment.¹¹ In addition to other sanctions, a person found guilty of sexually abusing a child is liable to pay general and special damages to the victim which may, depending on the facts of the case, be aggravated damages.¹²

⁸ Cyprus, Law providing for the imposition and carrying out of the sentence of the periodical imprisonment (*Νόμος που προνοεί για την επιβολή και έκτιση της ποινής της περιοδικής φυλάκισης*) N 94(I)/2006, Article 3. Available at www.cylaw.org/nomoi/arith/2006_1_94.pdf

⁹ Cyprus, Law providing for the imposition and carrying out of the sentence of the periodical imprisonment (*Νόμος που προνοεί για την επιβολή και έκτιση της ποινής της περιοδικής φυλάκισης*) N 94(I)/2006, Article 6. Available at www.cylaw.org/nomoi/arith/2006_1_94.pdf

¹⁰ Law on prisons of 1996 (*Ο Περί Φυλακών Νόμος του 1996*) N. 62(I)/1996, Article 21B. Available at www.cylaw.org/nomoi/enop/non-ind/1996_1_62/index.html

¹¹ Cyprus, Law on the prevention and combating of sexual abuse and sexual exploitation of children and child pornography (*Ο περί της Πρόληψης και της Καταπολέμησης της Σεξουαλικής Κακοποίησης, της Σεξουαλικής Εκμετάλλευσης Παιδιών και της Παιδικής Πορνογραφίας Νόμος του 2014*) N. 91(I)/2014, article 14(1). Available at www.cylaw.org/nomoi/enop/ind/2014_1_91/section-scd64b343e-b01b-7c23-40aa-0176c0990714.html

¹² Cyprus, Law on the prevention and combating of sexual abuse and sexual exploitation of children and child pornography (*Ο περί της Πρόληψης και της Καταπολέμησης της Σεξουαλικής Κακοποίησης, της Σεξουαλικής Εκμετάλλευσης Παιδιών και της Παιδικής Πορνογραφίας Νόμος του 2014*) N. 91(I)/2014, article 39. Available at www.cylaw.org/nomoi/enop/ind/2014_1_91/section-scd64b343e-b01b-7c23-40aa-0176c0990714.html

Sanctions for trafficking of persons

In addition to prison sentences and fines, the anti-trafficking legislation also provides for the prohibition of professional or commercial activities, the exclusion from public benefits or grants, the liquidation of companies, judicial supervision, the closure of premises used for committing the offence and the forced acquisition and sale of an object used for committing the offence.¹³

Q2. Please outline the specific supervision measures as alternatives to pre-trial detention that are available in the Member State:

There are no alternatives to pre-trial detention in Cyprus; an accused person is either detained before the trial or released with or without conditions. A judge issuing a warrant for the arrest of any person accused of an offence which is not punishable with death can order that the person arrested be released upon entering a bail bond to secure his or her appearance in Court at the next hearing and. In such a case the police are compelled to release the accused person immediately upon entering the bond.¹⁴ The Court may require the bail bond to be executed with or without sureties and the person who is required to execute the bail bond may be permitted to deposit with the Accountant-General of the state a sum of money determined by the Court in lieu of executing such a bond.¹⁵ The Court may order a person released on bail to sign a new bond for a bigger amount or order such person to produce additional sureties, failing which the Court may commit the released person to prison.¹⁶ The Court may revoke the release of the accused person and order his or her arrest and detention where information is submitted to Court on oath that such person is about to leave the country.¹⁷ The constitution allows pre-trial detention of both adults and minors for the purpose of bringing them before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent them from committing an offence or from fleeing after having done so. A person may be detained for 24 hours without a court order before being presented in court.¹⁸ If the police convince the judge before whom a suspect is presented that the investigation of the crime for which the suspect was arrested has not been completed, the judge may order the detention of the suspect for a period not exceeding eight

¹³ Cyprus, Law revising the legal framework regulating the prevention, combating of trafficking and exploitation of persons and protection of victims (*Νόμος που αναθεωρεί το νομικό πλαίσιο που διέπει την πρόληψη και την καταπολέμηση της εμπορίας προσώπων και την προστασία των θυμάτων*) N.60(I)/2014, 15 April 2014, Articles 20(1) and 24. Available at www.cylaw.org/nomoi/arith/2014_1_60.pdf#page=1&zoom=auto,-82,842

¹⁴ Cyprus, Law on criminal procedure (*Ο Περί Ποινικής Δικονομίας Νόμος*) Cap 155, article 23. Available at www.cylaw.org/nomoi/enop/ind/0_155/section-sc61076318-ccf1-4115-b5b5-bcd4445f5616.html

¹⁵ Cyprus, Law on criminal procedure (*Ο Περί Ποινικής Δικονομίας Νόμος*) Cap 155, article 158. Available at [/www.cylaw.org/nomoi/enop/non-ind/0_155/full.html](http://www.cylaw.org/nomoi/enop/non-ind/0_155/full.html)

¹⁶ Cyprus, Law on criminal procedure (*Ο Περί Ποινικής Δικονομίας Νόμος*) Cap 155, article 159. Available at [/www.cylaw.org/nomoi/enop/non-ind/0_155/full.html](http://www.cylaw.org/nomoi/enop/non-ind/0_155/full.html)

¹⁷ Cyprus, Law on criminal procedure (*Ο Περί Ποινικής Δικονομίας Νόμος*) Cap 155, article 160. Available at [/www.cylaw.org/nomoi/enop/non-ind/0_155/full.html](http://www.cylaw.org/nomoi/enop/non-ind/0_155/full.html)

¹⁸ Cyprus, Constitution of the Republic of Cyprus (*Σύνταγμα της Κυπριακής Δημοκρατίας*), 16 August 1960, Article 11.5. Available at www.cylaw.org/nomoi/enop/non-ind/syntagma/index.html

days at a time,¹⁹ at a maximum of three months.²⁰ If the judge is not satisfied that the suspect ought to be detained, then s/he will order the suspect's release with or without conditions. If the pre-trial detention proves to be unlawful, the persons detained are entitled to a speedy release and to compensation.²¹

In cases of sexual abuse of children, upon the application of a family member of the abused child or the police or the Attorney General or the social worker appointed as counsellor to the child, the court may issue a temporary exclusion or removal order against the accused, whenever there is evidence of a prima facie risk of violence or repetition of the offence or it is necessary to protect the victim.²² Exclusion and removal orders are also foreseen by the domestic violence legislation, issued by the court against persons suspected of domestic violence, upon an application from the victim's family, the police, the prosecutor of the case, the Attorney General or the family counsellor appointed by the Social Services.²³

Q3. Are there any specific legislative or policy developments regarding alternatives to prison (at the pre- and post-trial stage) of particular suspects/sentenced persons (such as children, persons with disabilities, persons in need of special treatment or mothers with young children)?

There are no alternatives to prison for vulnerable suspects/prisoners. Children, mothers with young children and persons with disabilities or medical problems may either be detained both at the pre- and at the post-trial stage, or they may be released, with or without conditions. The Constitution provides that a person may be arrested and detained **for the purpose of bringing him or her before the competent legal authority on reasonable suspicion of having committed**

¹⁹ Cyprus, Criminal Procedure Law (*Ο Περί Ποινικής Δικονομίας Νόμος*) Cap. 155. Available at www.cylaw.org/nomoi/enop/ind/0_155/section-sc8faabf70-49d8-4d95-8ed4-57ed3b47ca5b.html

²⁰ Cyprus, Constitution of the Republic of Cyprus (*Σύνταγμα της Κυπριακής Δημοκρατίας*), 16 August 1960, Article 11.6. Available at www.cylaw.org/nomoi/enop/non-ind/syntagma/index.html

²¹ Cyprus, Constitution of the Republic of Cyprus (*Σύνταγμα της Κυπριακής Δημοκρατίας*), 16 August 1960, Articles 11.7 and 11.8. Available at www.cylaw.org/nomoi/enop/non-ind/syntagma/index.html

²² Cyprus, Law on the prevention and combating of sexual abuse and sexual exploitation of children and child pornography (*Ο περί της Πρόληψης και της Καταπολέμησης της Σεξουαλικής Κακοποίησης, της Σεξουαλικής Εκμετάλλευσης Παιδιών και της Παιδικής Πορνογραφίας Νόμος του 2014*) N. 91(I)/2014, article 33. Available at www.cylaw.org/nomoi/enop/ind/2014_1_91/section-scd64b343e-b01b-7c23-40aa-0176c0990714.html

²³ Cyprus, Law on domestic violence (prevention and protection of victims) of 2000 [*Ο περί Βίας στην Οικογένεια (Πρόληψη και Προστασία Θυμάτων) Νόμος του 2000*], articles 22, 23 and 24. Available at www.cylaw.org/nomoi/enop/non-ind/2000_1_119/full.html

an offence or when it is reasonably considered necessary to prevent his or her committing an offence or fleeing after having done so,²⁴ and the judge may release such person with or without condition or remand him or her in custody for a period not exceeding eight days.²⁵ There is no legal requirement that the Court is under a duty to take into account any characteristics or special needs of the person accused; it is up to the judge to decide whether a person's special needs or circumstances warrant a release or not and what conditions are attached to their release or their detention. In recent years, criticism and practice as regards the detention of women, children and persons with intellectual or psychosocial disorder have somewhat restricted the Court's wide discretion afforded by the Constitution. These are summarised below.

Persons with intellectual/psychosocial disorder

The Criminal Code does not foresee any special treatment for persons with intellectual disabilities; if found guilty, persons with intellectual disability can receive a prison sentence at the maximum foreseen by law. If the prison authorities decide that their degree of vulnerability is such, persons with intellectual disability may be detained separately in a place within the prison which is better monitored. Persons who are assessed by the prison psychiatrist to be in need of special handling and increased monitoring, either due to impulsive behaviour or low perception or otherwise, are detained in Ward 4, which is the wing designated for persons in need of monitoring. When the prison psychiatrist finds that a prisoner's psychological condition is vulnerable, the prisoner is placed in the new Ward 10, which houses the Health Centre for detainees with mental health problems. However, beyond these intra-institutional arrangements, no alternative is offered to prisoners or suspects who are at increased risk of exploitation or of humiliating treatment, such as persons with an intellectual disability. An on-site investigation carried out by the Ombudsman in 2014 into the case of a particular prisoner with an intellectual disability serving a prison sentence, revealed that by general admission of all competent authorities²⁶ the prison is not a suitable place for offenders with an intellectual disability;²⁷ yet by the time of writing, no alternative arrangements were put in place for vulnerable suspects or prisoners.

For persons suffering from serious psychosocial disorders which necessitate medical treatment, the court may issue an order of psychiatric treatment in an institution in lieu of a prison sentence except in cases of persons convicted of first degree murder or other offence for which a particular sentence is required

²⁴ Cyprus, Constitution of the Republic of Cyprus (*Σύνταγμα της Κυπριακής Δημοκρατίας*), 16 August 1960, Article 11(2). Available at www.cylaw.org/nomoi/enop/non-ind/syntagma/index.html

²⁵ Cyprus, Constitution of the Republic of Cyprus (*Σύνταγμα της Κυπριακής Δημοκρατίας*), 16 August 1960, Article 11(6). Available at www.cylaw.org/nomoi/enop/non-ind/syntagma/index.html

²⁶ Both the Ministry of Justice and the state Committee for the Protection of Mentally Retarded Persons expressed to the Ombudsman their concern over the non-existence of suitable detention facilities for persons with intellectual disabilities to serve their sentences.

²⁷ Position paper of the independent human rights authority regarding the serving of a prison sentence in a reform institution by persons with intellectual disability (*Τοποθέτηση Εθνικής Ανεξάρτητης Αρχής Ανθρωπίνων Δικαιωμάτων αναφορικά με την έκτιση ποινής φυλάκισης σε σωφρονιστικό ίδρυμα, από άτομα με νοητική αναπηρία*) Ref. 10/2014 AYT 5/2014, 9 October 2014. [www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/A06C0490760D1265C2257D86003D0AAE/\\$file/%CE%A4%CE%BF%CF%80%CE%BF%CE%B8_5_14-09102014.doc?OpenElement](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/A06C0490760D1265C2257D86003D0AAE/$file/%CE%A4%CE%BF%CF%80%CE%BF%CE%B8_5_14-09102014.doc?OpenElement)

by law.²⁸ The criterion used by the Court to decide whether or not to order the institutionalisation of a suspect with a psychosocial disorder is whether the suspect is able to follow the Court proceedings or not. If the Courts find that the suspects cannot follow the proceedings, then they may adjourn the hearing and order the institutionalisation of the suspects in a state institution for successive periods of four months at a time, at the end of which the suspects' ability to follow the trial will be re-assessed by the Courts until their condition allows them to follow the judicial procedure.²⁹

Transgender persons

In 2013, following recommendations from the national equality body,³⁰ the police has issued guidelines to its members on how to treat transgender persons in pre-trial detention. Among others, the guidelines provide details on how to conduct bodily search of transgender persons and require that transgender persons be detained separately but not in conditions of isolation.³¹

Women

Women are always detained separately from men. The scheme of open prison, the Centre for Guidance and Extra-institutional Occupation of Prisoners and the electronic bracelet foreseen under the prison law³² are not available to women due to lack of space and organisational arrangements. The exclusion of women from these schemes attracted criticism from the Equality Body in 2010³³ but continued to remain unresolved at the time of writing.³⁴

²⁸ Cyprus, Law on psychiatric treatment of 1997 (*Ο περί Ψυχιατρικής Νοσηλείας Νόμος του 1997*) N. 77(I)/1997, Article 38. Available at www.cylaw.org/nomoi/enop/non-ind/1997_1_77/full.html

²⁹ Cyprus, Law on criminal procedure (*Ο Περί Ποινικής Δικονομίας Νόμος*) Cap 155, article 70. Available at www.cylaw.org/nomoi/enop/non-ind/0_155/index.html

³⁰ Cyprus, Anti-discrimination Authority, Position regarding the detention of transgender persons in police detention centres (*Τοποθέτηση Αρχής κατά των Διακρίσεων σχετικά με την κράτηση τρανσέξουαλ σε αστυνομικά κέντρα κράτησης*) File No. AKR 3/2013, 31 January 2013. Available at [www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/340F4CCE8DDDBAB4C2257B1D0044852B/\\$file/%CE%91%CE%9A%CE%A13.2013-31012013.pdf?OpenElement](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/340F4CCE8DDDBAB4C2257B1D0044852B/$file/%CE%91%CE%9A%CE%A13.2013-31012013.pdf?OpenElement)

³¹ Cyprus Police, Detention and handling of transsexual persons in police detention centres (*Κράτηση και χειρισμός τρανσέξουαλ προσώπων στα Αστυνομικά Κρατητήρια*), File No. 11.17.003.001, 16 August 2013.

³² Law on prisons of 1996 (*Ο Περί Φυλακών Νόμος του 1996*) N. 62(I)/1996, Article 21B. Available at www.cylaw.org/nomoi/enop/non-ind/1996_1_62/index.html

³³ Cyprus, Report of the Anti-discrimination Authority regarding the unequal treatment of women prisoners as regards their admission to the schemes of Open Prison and the Centre of Guidance and Extra-prison Occupation (*Εκθεση Αρχής κατά του Ρατσισμού και των Διακρίσεων αναφορικά με την άφιξη μεταχείριση γυναικών κρατουμένων στα ζητήματα ένταξης τους στην Ανοικτή Φυλακή και στο Κέντρο Καθοδήγησης και Εξωιδρυματικής Απασχόλησης*) File No. 142/2008, 30 April 2010. Available at www-no-discrimination.ombudsman.gov.cy/sites/default/files/akr_142.2008.pdf

³⁴ Representative from the Equality Body/Ombudsman.

Children

In Cyprus, children under the age of 14 do not have criminal liability and are therefore not prosecuted.³⁵ Children aged 14+ can be prosecuted and may be detained both at the pre-trial and at the post trial stage, following the same procedure as for adults and by the same Court as adults, as there are no juvenile courts. A number of considerations are taken into account in order for the Court to issue a warrant for a child's arrest and detention. Primarily, the Court must be satisfied that there is a risk that the child will not appear for the trial. The seriousness of the offence, the child's ability to influence witnesses and the chances of securing a conviction are also taken into consideration by the Court in order to decide on the issue of detention. Where a person apparently under the age of sixteen is arrested and cannot be brought immediately before a Court, a police officer not below the rank of sergeant or the police officer in charge of the police station to whom such person is brought may decide to release the child on a recognisance, with or without sureties. If a surety is required, then the amount must be such so that, in the opinion of the police, it will secure the attendance of the child in Court. Children will not be released where the charges concern homicide or other grave crime, or it is necessary in the interest of the children to remove them from association with any undesirable person, or the police officer has reason to believe that their release would defeat the ends of justice. If the arrested children are not released on a recognisance, the police will detain them until they are brought before a Court.³⁶ The Court may order children to be placed in custody in a police station for the period of the remand or until the trial. Whilst in police custody, the police must make arrangements for preventing, so far as is practicable, a detained minor in custody in a police station from associating with an adult, other than a relative, charged with an offence.³⁷ Children deemed to be of 'unruly' or 'depraved' character and cannot be suitably detained in a police station, will be committed to prison,³⁸ to be detained in a special section where young persons (aged 18-22) are detained. If convicted, young persons are serving their sentences in a specially designated section of the prison. Children are always kept separately from adults, both at the pre-trial and at the post-trial stage.³⁹

Probation order

The Court can issue an order of probation, placing an accused child or adult under the supervision of a probation officer appointed by the Social Welfare Services for a period specified in the court order, which cannot be less than a year or longer than three years.⁴⁰ The choice of the conditions of probation is at the Court's discretion: it can include the condition of educational lessons,⁴¹ for which there is currently no system in place to implement, or the condition of community work without pay.⁴² The possibility of attaching the community work requirement to the probation bears a number of advantages for children, for whom this may be the first structured experience of productive work which may in the medium and long term help the children towards a more smooth integration to the labour market, whilst at the same time provide therapeutic occupation that can contribute to the prevention of anti-social behaviour.

Order for conditional or unconditional discharge

When a Court convicting a person of an offence is of the opinion that under the circumstances the imposition of a sentence or the issue of a probation order is not expedient, the Court has discretion to discharge the accused unconditionally or on the condition that the accused will not commit an offence for a period not exceeding 12 months from the issue of the order. In the event that the conditions of the discharge are breached, the discharge no longer applies and the offender will be punished for the offence for which the discharge order was issued.⁴³

Section B: Transfer of suspects/sentenced persons

Please give a response for each of the boxes. If the information is the same in two boxes, duplicate the text. If the question is not applicable, specify why.

TOPIC	FD 2008/909	FD 2008/947	FD 2009/829 (ESO)
Q1. AVAILABILITY OF INFORMATION			
Q1.1. Is information publicly available in ‘issuing states’ concerning the following: If yes, please specify.			
<ul style="list-style-type: none"> What information is provided (e.g. conditions for early release for FD 909 or the need for a suspect/sentenced person’s consent to a measure for FD 947 and 829)? 	Other than the legislation itself, there is no publically available information on the right to request a transfer or on any of the stages of the transfer procedure. It is up to the suspect/sentenced persons’ lawyers to inform them of this option; none of the lawyers consulted were aware of the FD, or of the	Other than the legislation itself, there is no publically available information on the supervision of probation measures and alternative sanctions. It is up to the sentenced persons’ lawyers to inform them of this option; none of the lawyers consulted were aware of the FD, or of the transposing legislation.	FD 2009/829 has not been transposed. The Ministry of Justice reported that they were working on the preparation of the transposing legislation but could not be specific as to when this would be completed. ⁴⁴

³⁵ Cyprus, The Criminal Code (*Ο Ποινικός Κώδικας*) Cap. 154, Article 14. Available at www.cylaw.org/nomoi/enop/non-ind/0_154/index.html

³⁶ Cyprus, Law on Juvenile Offenders (*Ο περί Αδικοπραγούντων Ανηλίκων Νόμος*) Cap. 157, Article 6. Available at www.cylaw.org/nomoi/enop/non-ind/0_157/full.html

³⁷ Cyprus, Law on Juvenile Offenders (*Ο περί Αδικοπραγούντων Ανηλίκων Νόμος*) Cap. 157, Article 8. Available at www.cylaw.org/nomoi/enop/non-ind/0_157/full.html

³⁸ Cyprus, Law on Juvenile Offenders (*Ο περί Αδικοπραγούντων Ανηλίκων Νόμος*) Cap. 157, Article 7. Available at www.cylaw.org/nomoi/enop/non-ind/0_157/full.html

³⁹ Cyprus, Law on Juvenile Offenders (*Ο περί Αδικοπραγούντων Ανηλίκων Νόμος*) Cap. 157, Articles 8 and 21. Available at www.cylaw.org/nomoi/enop/non-ind/0_157/full.html

⁴⁰ Cyprus, Law on Probation and Other Means of Treatment of Offenders of 1996 (*Ο περί Κηδεμονίας και Άλλων Τρόπων Μεταχείρισης Αδικοπραγούντων Νόμος του 1996*) N. 46(I)/1996. Article 5. Available at www.cylaw.org/nomoi/enop/non-ind/1996_1_46/full.html

⁴¹ Cyprus, Law on Probation and Other Means of Treatment of Offenders of 1996 (*Ο περί Κηδεμονίας και Άλλων Τρόπων Μεταχείρισης Αδικοπραγούντων Νόμος του 1996*) N. 46(I)/1996. Article 7. Available at www.cylaw.org/nomoi/enop/non-ind/1996_1_46/full.html

⁴² Cyprus, Law on Probation and Other Means of Treatment of Offenders of 1996 (*Ο περί Κηδεμονίας και Άλλων Τρόπων Μεταχείρισης Αδικοπραγούντων Νόμος του 1996*) N. 46(I)/1996. Article 6. Available at www.cylaw.org/nomoi/enop/non-ind/1996_1_46/full.html

⁴³ Cyprus, Law on Probation and Other Means of Treatment of Offenders of 1996 (*Ο περί Κηδεμονίας και Άλλων Τρόπων Μεταχείρισης Αδικοπραγούντων Νόμος του 1996*) N. 46(I)/1996. Article 10. Available at www.cylaw.org/nomoi/enop/non-ind/1996_1_46/full.html

⁴⁴ Electronic message from the Ministry of Justice and Public Order, 3 June 2015.

	transposing legislation or of the option to pursue a transfer.		
<ul style="list-style-type: none"> How is the information made publically available (tools, or networks used)? 	<p>Although hardly an awareness raising material, the relevant legislation⁴⁵ is available on line at National Bar Association's electronic legal database www.cylaw.org. In order to search this database, one would need to know the title of the law or the reference number; a key word search may or may not yield results, depending on the key word used. The law is drafted in legal language which may not be readily understood by the layperson. No awareness raising material was produced and no information was disseminated to any governmental or nongovernmental organisations or networks regarding this law or the rights created under it.⁴⁶</p>	<p>Although hardly an awareness raising material, the relevant legislation⁴⁷ is available on line at National Bar Association's electronic legal database www.cylaw.org. In order to search this database, one would need to know the title of the law or the reference number; a key word search may or may not yield results, depending on the key word used. The law is drafted in legal language which may not be readily understood by the layperson. No awareness raising material was produced and no information was disseminated to any governmental or nongovernmental organisations or networks regarding this law or the rights created under it.</p>	<p>This FD has not been transposed.</p>

⁴⁵ Cyprus, Law on the procedure of recognition and execution in the European Union of decisions of member states of the European Union in criminal cases which impose penalties of deprivation of liberty (*Ο περί της διαδικασίας αναγνώρισης και εκτέλεσης στην Ευρωπαϊκή Ένωση αποφάσεων κρατών μελών της Ευρωπαϊκής Ένωσης σε ποινικές υποθέσεις οι οποίες επιβάλλουν ποινές στέρητικές της ελευθερίας ή μέτρα στέρητικά της ελευθερίας*) N. 67(I)/2014, 23 May 2014. Available at www.cylaw.org/nomoi/arith/2014_1_67.pdf

⁴⁶ Lawyers, prison officers and representative from the Ombudsman.

⁴⁷ Cyprus, Law providing for the implementation of the principle of recognition of judicial decisions and decisions for the suspension of the sentence or conditional release for the purpose of supervision of probation measures and alternative sanctions (*Νόμος που προνοεί σχετικά με την εφαρμογή της αρχής της αναγνώρισης δικαστικών αποφάσεων και αποφάσεων αναστολής εκτέλεσης της ποινής ή απόλυσης υπό όρους με σκοπό την εποπτεία των μέτρων αναστολής και των εναλλακτικών κυρώσεων*) N. 69(I)/2014, 23 May 2014. Available at www.cylaw.org/nomoi/arith/2014_1_69.pdf

<ul style="list-style-type: none"> In which languages is the information provided? 	<p>The relevant law⁴⁸ is drafted only in Greek.</p>	<p>The relevant law⁴⁹ is drafted only in Greek.</p>	<p>This FD has not been transposed.</p>
<p>Q1.2. Apart from the competent authorities required by the FDs, is there any other national office or point of contact responsible for leading initial discussions about potential transfers (as issuing and executing state)? If yes, please provide brief details.</p>	<p>The transposing legislation nominates the courts as the competent authorities for:</p> <ul style="list-style-type: none"> - The issuing of judgements;⁵⁰ - The execution of judgements issued by the courts of other member states;⁵¹ and 	<p>Same as for FD 909. The transposing legislation nominates the courts as the competent authorities for:</p> <ul style="list-style-type: none"> - The issuing of judgements;⁵⁶ - The execution of judgements issued by the courts of other member states;⁵⁷ and 	<p>This FD has not been transposed.</p>

⁴⁸ Cyprus, Law on the procedure of recognition and execution in the European Union of decisions of member states of the European Union in criminal cases which impose penalties of deprivation of liberty (*Ο περί της διαδικασίας αναγνώρισης και εκτέλεσης στην Ευρωπαϊκή Ένωση αποφάσεων κρατών μελών της Ευρωπαϊκής Ένωσης σε ποινικές υποθέσεις οι οποίες επιβάλλουν ποινές στερητικές της ελευθερίας ή μέτρα στερητικής ελευθερίας*) N. 67(I)/2014, 23 May 2014. Available at www.cylaw.org/nomoi/arith/2014_1_67.pdf

⁴⁹ Cyprus, Law providing for the implementation of the principle of recognition of judicial decisions and decisions for the suspension of the sentence or conditional release for the purpose of supervision of probation measures and alternative sanctions (*Νόμος που προνοεί σχετικά με την εφαρμογή της αρχής της αναγνώρισης δικαστικών αποφάσεων και αποφάσεων αναστολής εκτέλεσης της ποινής ή απόλυσης υπό όρους με σκοπό την εποπτεία των μέτρων αναστολής και των εναλλακτικών κυρώσεων*) N. 69(I)/2014, 23 May 2014. Available at www.cylaw.org/nomoi/arith/2014_1_69.pdf

⁵⁰ Cyprus, Law on the procedure of recognition and execution in the European Union of decisions of member states of the European Union in criminal cases which impose penalties of deprivation of liberty (*Ο περί της διαδικασίας αναγνώρισης και εκτέλεσης στην Ευρωπαϊκή Ένωση αποφάσεων κρατών μελών της Ευρωπαϊκής Ένωσης σε ποινικές υποθέσεις οι οποίες επιβάλλουν ποινές στερητικές της ελευθερίας ή μέτρα στερητικής ελευθερίας*) N. 67(I)/2014, 23 May 2014, Article 4(1). Available at www.cylaw.org/nomoi/arith/2014_1_67.pdf

⁵¹ Cyprus, Law on the procedure of recognition and execution in the European Union of decisions of member states of the European Union in criminal cases which impose penalties of deprivation of liberty (*Ο περί της διαδικασίας αναγνώρισης και εκτέλεσης στην Ευρωπαϊκή Ένωση αποφάσεων κρατών μελών της Ευρωπαϊκής Ένωσης σε ποινικές υποθέσεις οι οποίες επιβάλλουν ποινές στερητικές της ελευθερίας ή μέτρα στερητικής ελευθερίας*) N. 67(I)/2014, 23 May 2014, Article 4(2). Available at www.cylaw.org/nomoi/arith/2014_1_67.pdf

⁵⁶ Cyprus, Law providing for the implementation of the principle of recognition of judicial decisions and decisions for the suspension of the sentence or conditional release for the purpose of supervision of probation measures and alternative sanctions (*Νόμος που προνοεί σχετικά με την εφαρμογή της αρχής της αναγνώρισης δικαστικών αποφάσεων και αποφάσεων αναστολής εκτέλεσης της ποινής ή απόλυσης υπό όρους με σκοπό την εποπτεία των μέτρων αναστολής και των εναλλακτικών κυρώσεων*) N. 69(I)/2014, 23 May 2014, Article 5(1). Available at www.cylaw.org/nomoi/arith/2014_1_69.pdf

⁵⁷ Cyprus, Law providing for the implementation of the principle of recognition of judicial decisions and decisions for the suspension of the sentence or conditional release for the purpose of supervision of probation measures and alternative sanctions (*Νόμος που προνοεί σχετικά με την εφαρμογή της αρχής της αναγνώρισης δικαστικών αποφάσεων και*

	<p>- The dispatch of judgements and certificates to the executing state.⁵²</p> <p>The transposing legislation designates the Ministry of Justice and Public Order as the central authority to assist the courts in the transfer and receipt of judgements and during the exchange of official correspondence.⁵³ However, in spite of this provision, this ministry does not see any role for itself other than the drafting of the legislation, pointing out that the competent authorities for contact and exchange are the courts.⁵⁴</p> <p>There is no practice on the implementation of these provisions.</p>	<p>- The forwarding of judgments and, where applicable, of probation decisions.⁵⁸</p> <p>The transposing legislation designates the Ministry of Justice and Public Order as the central authority to assist the courts in the transfer and receipt of judgements and during the exchange of official correspondence; however the exchange of official correspondence between the competent authorities of the issuing state and of the executing state must be conducted directly.</p> <p>There is no practice on the implementation of these</p>	
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αποφάσεων αναστολής εκτέλεσης της ποινής ή απόλυσης υπό όρους με σκοπό την εποπτεία των μέτρων αναστολής και των εναλλακτικών κυρώσεων) N. 69(I)/2014, 23 May 2014, Article 5(2). Available at www.cylaw.org/nomoi/arith/2014_1_69.pdf

⁵² Cyprus, Law on the procedure of recognition and execution in the European Union of decisions of member states of the European Union in criminal cases which impose penalties of deprivation of liberty (*Ο περί της διαδικασίας αναγνώρισης και εκτέλεσης στην Ευρωπαϊκή Ένωση αποφάσεων κρατών μελών της Ευρωπαϊκής Ένωσης σε ποινικές υποθέσεις οι οποίες επιβάλλουν ποινές στερητικές της ελευθερίας ή μέτρα στερητικά της ελευθερίας*) N. 67(I)/2014, 23 May 2014, Article 6(1). Available at www.cylaw.org/nomoi/arith/2014_1_67.pdf

⁵³ Cyprus, Law on the procedure of recognition and execution in the European Union of decisions of member states of the European Union in criminal cases which impose penalties of deprivation of liberty (*Ο περί της διαδικασίας αναγνώρισης και εκτέλεσης στην Ευρωπαϊκή Ένωση αποφάσεων κρατών μελών της Ευρωπαϊκής Ένωσης σε ποινικές υποθέσεις οι οποίες επιβάλλουν ποινές στερητικές της ελευθερίας ή μέτρα στερητικά της ελευθερίας*) N. 67(I)/2014, 23 May 2014, Article 5. Available at www.cylaw.org/nomoi/arith/2014_1_67.pdf

⁵⁴ Representative from the Ministry of Justice and Public Order.

⁵⁸ Cyprus, Law providing for the implementation of the principle of recognition of judicial decisions and decisions for the suspension of the sentence or conditional release for the purpose of supervision of probation measures and alternative sanctions (*Νόμος που προνοεί σχετικά με την εφαρμογή τη αρχής της αναγνώρισης δικαστικών αποφάσεων και αποφάσεων αναστολής εκτέλεσης της ποινής ή απόλυσης υπό όρους με σκοπό την εποπτεία των μέτρων αναστολής και των εναλλακτικών κυρώσεων*) N. 69(I)/2014, 23 May 2014. Available at www.cylaw.org/nomoi/arith/2014_1_69.pdf

	<p>Since this FD was transposed in May 2014, Cyprus has neither sent nor received any request under this FD for the recognition of a judgement of another member state's court and the transfer of a prisoner.⁵⁵</p>	<p>provisions. Since this FD was transposed in May 2014, Cyprus has neither sent nor received any request under this FD for the recognition of a foreign judgement and the supervision of probation measures or alternative sanctions.⁵⁹</p>	
<p>Q1.3. Do the competent authorities collate information about their experience of transfers (such as personal data of the suspect/sentenced person, states involved, and issues raised during the transfer process)? If yes, specify the information gathered.</p>	<p>There is no legal requirement to collect or record data other than the information required to be inserted in the Certificate which is attached to the transposing legislation and which is an exact translation of the Certificate found in Annex I of this FD.</p> <p>It is not possible to predict at this stage what type of information, if any, will start to be collected and recorded once the implementation of the law transposing this FD starts. As it will be explained below under Q3.8, national data protection legislation permits the processing of personal data where this is necessary for performing a task of</p>	<p>There is no legal requirement to collect or record data other than the information required to be inserted in the Certificate of Annex I of this FD and in the report of a breach of a probation measure or alternative sanction of Annex II of this FD, both of which are incorporated into the transposing legislation by reference.⁶¹</p> <p>National data protection legislation permits the processing of personal data where this is necessary for performing a task of</p>	<p>This FD has not been transposed.</p>

⁵⁵ Representative from the Ministry of Justice and Public Order.

⁵⁹ Representative from the Ministry of Justice and Public Order.

⁶¹ Cyprus, Law providing for the implementation of the principle of recognition of judicial decisions and decisions for the suspension of the sentence or conditional release for the purpose of supervision of probation measures and alternative sanctions (*Νόμος που προνοεί σχετικώς με την εφαρμογή της αρχής της αναγνώρισης δικαστικών αποφάσεων και αποφάσεων αναστολής εκτέλεσης της ποινής ή απόλυσης υπό όρους με σκοπό την εποπτεία των μέτρων αναστολής και των εναλλακτικών κυρώσεων*) N. 69(I)/2014, 23 May 2014, Articles 8(2) and 19(3). Available at www.cylaw.org/nomoi/arith/2014_1_69.pdf

	public interest in the exercise of public authority. ⁶⁰	public interest in the exercise of public authority. ⁶²	
TOPIC	FD 2008/909	FD 2008/947	FD 2009/829 (ESO)
Q2. INFORMED CONSENT OF THE SUSPECT/SENTENCED PERSON			
Q2.1. Is there a procedure in the issuing state (e.g. some form of mechanism that ensures it is done in all relevant cases) in place to inform the suspect/sentenced person of the option to transfer the judgment or decision to another Member State? If yes, please briefly provide information (e.g. is it an oral or written procedure) and specify who provides this information.	There is no legal requirement and no procedure for informing the suspect/sentenced person of the option to transfer the judgement or decision to another member state. National legislation transposing FD 2008/909 ⁶³ copies verbatim the provisions of article 6 of this FD without foreseeing any additional rights. The law recognises the right of a sentenced person to express an opinion about a request for a transfer which must be taken into account in the examination of the	There is no duty to inform the suspect/sentenced person of the option to forward the judgement or probation decision to another member state. In any case Cyprus, as an issuing state, may forward a judgement to another member state only after the sentenced person has returned or has expressed a wish to return to such member state. ⁶⁶	This FD has not been transposed.

⁶⁰ Cyprus, Law on the processing of personal data (protection of the person of 2001) [*Ο περί Επεξεργασίας Δεδομένων Προσωπικού Χαρακτήρα (Προστασία του Ατόμου) Νόμος του 2001*] N. 138(I)/2001, Article 5. Available at www.cylaw.org/nomoi/enop/non-ind/2001_1_138/full.html

⁶² Cyprus, Law on the processing of personal data (protection of the person of 2001) [*Ο περί Επεξεργασίας Δεδομένων Προσωπικού Χαρακτήρα (Προστασία του Ατόμου) Νόμος του 2001*] N. 138(I)/2001, Article 5. Available at www.cylaw.org/nomoi/enop/non-ind/2001_1_138/full.html

⁶³ Cyprus, Law on the procedure of recognition and execution in the European Union of decisions of member states of the European Union in criminal cases which impose penalties of deprivation of liberty (*Ο περί της διαδικασίας αναγνώρισης και εκτέλεσης στην Ευρωπαϊκή Ένωση αποφάσεων κρατών μελών της Ευρωπαϊκής Ένωσης σε ποινικές υποθέσεις οι οποίες επιβάλλουν ποινές στέρησης της ελευθερίας ή μέτρα στέρησης της ελευθερίας*) N. 67(I)/2014, 23 May 2014, Article 8. Available at www.cylaw.org/nomoi/arith/2014_1_67.pdf

⁶⁶ Framework Decision on alternative sanctions 2008/947/JHA of 27 November 2008, Article 5. Incorporated by reference into the Cypriot Law providing for the implementation of the principle of recognition of judicial decisions and decisions for the suspension of the sentence or conditional release for the purpose of supervision of probation measures and alternative sanctions (*Νόμος που προνοεί σχετικά με την εφαρμογή τη αρχής της αναγνώρισης δικαστικών αποφάσεων και αποφάσεων αναστολής εκτέλεσης της ποινής ή απόλυσης υπό όρους με σκοπό την εποπτεία των μέτρων αναστολής και των εναλλακτικών κυρώσεων*) N. 69(I)/2014, 23 May 2014, Article 23(a). Available at www.cylaw.org/nomoi/arith/2014_1_69.pdf

	<p>transfer request,⁶⁴ but does not impose a duty on the authorities to provide any information as regards this right. The law provides only for the duty to inform the suspect/sentenced person of the <i>decision</i> to forward the judgement to another member state for recognition and execution.⁶⁵</p>		
<p>Q2.2. Is there a procedure in place in the issuing state to obtain the informed consent of the suspect/sentenced person before forwarding the judgment or decision to the executing state? (E.g. a pre-prepared written explanation of the process available in a number of languages). If yes, please briefly specify what information the suspect/sentenced person receives (e.g. information on appeal and release possibilities).</p>	<p>The transposing legislation has copied almost verbatim the provisions of article 6 of this FD.⁶⁷ There is no set procedure in securing the informed consent of the suspect or sentenced person. No information material is made available in any language about any procedural or substantive issues regarding the option to transfer to another member state.</p>	<p>The law transposing this FD does not foresee any right for the suspect/sentenced person to consent to or express an opinion on the transfer of the judgement or probation decision to another member state.</p>	<p>This FD has not been transposed.</p>

⁶⁴ Cyprus, Law on the procedure of recognition and execution in the European Union of decisions of member states of the European Union in criminal cases which impose penalties of deprivation of liberty (*Ο περί της διαδικασίας αναγνώρισης και εκτέλεσης στην Ευρωπαϊκή Ένωση αποφάσεων κρατών μελών της Ευρωπαϊκής Ένωσης σε ποινικές υποθέσεις οι οποίες επιβάλλουν ποινές στερητικές της ελευθερίας ή μέτρα στερητικά της ελευθερίας*) N. 67(I)/2014, 23 May 2014, Articles 8(3) and 8(4). Available at www.cylaw.org/nomoi/arith/2014_1_67.pdf

⁶⁵ Cyprus, Law on the procedure of recognition and execution in the European Union of decisions of member states of the European Union in criminal cases which impose penalties of deprivation of liberty (*Ο περί της διαδικασίας αναγνώρισης και εκτέλεσης στην Ευρωπαϊκή Ένωση αποφάσεων κρατών μελών της Ευρωπαϊκής Ένωσης σε ποινικές υποθέσεις οι οποίες επιβάλλουν ποινές στερητικές της ελευθερίας ή μέτρα στερητικά της ελευθερίας*) N. 67(I)/2014, 23 May 2014, Article 8(6). Available at www.cylaw.org/nomoi/arith/2014_1_67.pdf

⁶⁷ Cyprus, Law on the procedure of recognition and execution in the European Union of decisions of member states of the European Union in criminal cases which impose penalties of deprivation of liberty (*Ο περί της διαδικασίας αναγνώρισης και εκτέλεσης στην Ευρωπαϊκή Ένωση αποφάσεων κρατών μελών της Ευρωπαϊκής Ένωσης σε ποινικές υποθέσεις οι οποίες επιβάλλουν ποινές στερητικές της ελευθερίας ή μέτρα στερητικά της ελευθερίας*) N. 67(I)/2014, 23 May 2014, Article 8. Available at www.cylaw.org/nomoi/arith/2014_1_67.pdf

<p>Q2.3. Does the suspect/sentenced person have the right to revoke his/her consent to the transfer in the issuing state? If yes, please briefly specify until which stage of the procedure this right exists.</p>	<p>The transposing legislation does not expressly provide for the right to revoke one's consent to the transfer. The law does provide for the right of the issuing state to revoke the certificate before the sentenced person starts serving his or her sentence in the executing state⁶⁸ but does not set out the conditions under which this certificate may be revoked. Where Cyprus is the executing state, the withdrawal of the certificate automatically means that the Cypriot courts are no longer obliged to execute the judgement.</p>	<p>The transposing legislation does not require that the suspect/sentenced person consents to the transfer and therefore does not provide for the possibility of withdrawing such consent.</p>	<p>This FD has not been transposed.</p>
<p>Q2.4. Is there any procedure in place in the issuing state to obtain the opinion of the sentenced person concerning the following: If yes, please briefly specify e.g. is it an oral or a written procedure, are there any checks on actual understanding of the option).</p>			
<ul style="list-style-type: none"> • When consent is not required)? 	<p>In line with Article 6 (3) of FD 2008/909, the transposing legislation provides for the right of sentenced persons to express an opinion orally or in writing in all cases where such persons continue to remain in the territory of the</p>		

⁶⁸ Cyprus, Law on the procedure of recognition and execution in the European Union of decisions of member states of the European Union in criminal cases which impose penalties of deprivation of liberty (*Ο περί της διαδικασίας αναγνώρισης και εκτέλεσης στην Ευρωπαϊκή Ένωση αποφάσεων κρατών μελών της Ευρωπαϊκής Ένωσης σε ποινικές υποθέσεις οι οποίες επιβάλλουν ποινές στέρησης της ελευθερίας ή μέτρα στέρησης της ελευθερίας*) N. 67(I)/2014, 23 May 2014, Article 15. Available at www.cylaw.org/nomoi/arith/2014_1_67.pdf

	<p>Republic, which must be taken into consideration when deciding the issue of forwarding the judgement.⁶⁹ To the extent that the text of the law does not use ‘consent’ interchangeably with ‘opinion’, the right to express an opinion is granted to all sentenced persons who are in the territory of the Republic including those whose consent to the transfer is not required because they fall under the exceptions listed in article 6(2) of the FD.</p> <p>There is no procedure in place facilitating the expression of such an opinion, except for the procedural steps set out in sub-articles 6(3) and 6(4) of the FD itself, which are repeated verbatim into the transposing legislation.⁷⁰ Where consent is not required, the duty to take the sentenced person’s opinion into account, as foreseen in FD article 6(3), transposed verbatim into the Cypriot law, does not create a binding obligation on issuing state</p>		
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⁶⁹ Cyprus, Law on the procedure of recognition and execution in the European Union of decisions of member states of the European Union in criminal cases which impose penalties of deprivation of liberty (Ο περί της διαδικασίας αναγνώρισης και εκτέλεσης στην Ευρωπαϊκή Ένωση αποφάσεων κρατών μελών της Ευρωπαϊκής Ένωσης σε ποινικές υποθέσεις οι οποίες επιβάλλουν ποινές στέρησης της ελευθερίας ή μέτρα στέρησης της ελευθερίας) N. 67(I)/2014, 23 May 2014, Article 8(3). Available at www.cylaw.org/nomoi/arith/2014_1_67.pdf

⁷⁰ Cyprus, Law on the procedure of recognition and execution in the European Union of decisions of member states of the European Union in criminal cases which impose penalties of deprivation of liberty (Ο περί της διαδικασίας αναγνώρισης και εκτέλεσης στην Ευρωπαϊκή Ένωση αποφάσεων κρατών μελών της Ευρωπαϊκής Ένωσης σε ποινικές υποθέσεις οι οποίες επιβάλλουν ποινές στέρησης της ελευθερίας ή μέτρα στέρησης της ελευθερίας) N. 67(I)/2014, 23 May 2014, Article 8(3), 8(4) and 8(5). Available at www.cylaw.org/nomoi/arith/2014_1_67.pdf

	to render the transfer conditional upon the sentenced person's consenting opinion.		
<ul style="list-style-type: none"> When consent is required, Article 6 (3) of FD 2008/909/JHA). 	In line with Article 6 (3) of FD 2008/909, the transposing legislation provides for the right of sentenced persons to express an opinion orally or in writing in all cases where such persons continue to remain in the territory of the Republic, which must be taken into consideration when deciding the issue of forwarding the judgement. ⁷¹ The law does not foresee a different procedure for those cases where consent is required, nor does it set out any provisions over and above those of sub-articles 6(3) and 6(4) of the FD.		
Q2.5. Does the suspect/sentenced person have the right to change his/her opinion on the transfer? If yes, please briefly specify until which stage of the procedure this right exists and how this is implemented in practice.	There is no provision in the transposing legislation granting the right to sentenced persons to change their opinion at any stage.		
Q2.6. Is the suspect/sentenced person assisted by a legal counsel in the issuing state? If yes, please provide details (e.g. is	The transposing legislation does not provide for the right to legal counsel but other laws regulating	The transposing legislation does not provide for the right to legal counsel. A general right of access	This FD has not been transposed.

⁷¹ Cyprus, Law on the procedure of recognition and execution in the European Union of decisions of member states of the European Union in criminal cases which impose penalties of deprivation of liberty (*Ο περί της διαδικασίας αναγνώρισης και εκτέλεσης στην Ευρωπαϊκή Ένωση αποφάσεων κρατών μελών της Ευρωπαϊκής Ένωσης σε ποινικές υποθέσεις οι οποίες επιβάλλουν ποινές στέρησης της ελευθερίας ή μέτρα στέρησης της ελευθερίας*) Ν. 67(I)/2014, 23 May 2014, Article 8(3). Available at www.cylaw.org/nomoi/arith/2014_1_67.pdf

<p>this legal advice provided face-to-face or over the telephone)</p>	<p>the rights of persons in pre-trial detention in general do provide for the right to have access to a lawyer for the purpose of preparing their defence as well as for other judicial procedures. The law on the rights of persons arrested and detained provides for the right of all detainees to have confidential interviews at any day or time with their lawyers in a space not audible or visible to any member of the police or of the prison staff and for the right to an interpreter to assist communications between foreign detainees and their lawyers. The right applies to procedures concerning the accused person's defence as well as to other procedures which the accused is already a party to or may become a party to in the future.⁷²</p> <p>Access to a lawyer for persons serving a prison sentence is more restricted: According to prison regulations, lawyers may visit detainees only for as long as there is a charge pending against them in court or following a request from a</p>	<p>to a lawyer can be found in the Constitution which provides that persons charged with an offence have the right to defend themselves through a lawyer of their own choosing or, if they lack sufficient means to pay for legal assistance, to be given free legal assistance when the interests of justice so require.⁷⁵</p>	
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⁷² Cyprus, Law on the rights of persons arrested and detained of 2005 (*Ο περί των Δικαιωμάτων Προσώπων που Συλλαμβάνονται και Τελούν υπό Κράτηση Νόμος του 2005*) N.163(I)/2005, Articles 12 and 13. Available at www.cylaw.org/nomoi/enop/non-ind/2005_1_163/index.html

⁷⁵ Cyprus, Constitution of the Republic of Cyprus (*Σύνταγμα της Κυπριακής Δημοκρατίας*), 16 August 1960, Article 12(5)(c). Available at www.cylaw.org/nomoi/enop/non-ind/syntagma/index.html

	<p>detainee and permission from the prison director.⁷³ The precondition of the prisoner's request and the director's permission may however operate as obstacles; the Ombudsman has identified cases where the prison claimed that the prisoner did not request to see a lawyer, which was disputed by both the prisoner and the lawyer. In a report published in 2013, in response to a complaint from a prisoner whose access to a lawyer was denied, the Ombudsman criticized the prison authorities for unjustifiably denying the prisoner his right to legal counsel and stressed that the prisoners' access to legal counsel is a necessary and key issue for the implementation of article 6 of the European Convention on Human Rights.⁷⁴</p>		
<p>Q2.7. Is there a procedure in place to ascertain that the legal counsel speaks and understands the suspect/sentenced person's language in the issuing state? If yes, please specify.</p>	<p>There is no requirement that legal counsel speaks or understands the suspect/sentenced person's language either in the transposing legislation or in any other law.</p>	<p>There is no requirement that legal counsel speaks or understands the suspect/sentenced person's language either in the transposing legislation or in any other law.</p>	<p>This FD has not been transposed.</p>

⁷³ Cyprus, Prison Regulations (General) of 1997 as subsequently amended, Regulation 116, Articles 10(i) and and 10(ii). Not available on line.

⁷⁴ Cyprus, Report of the Commissioner for Administration and Human Rights regarding the communication of detainees at the Central Prison with a lawyer of their choice (*Έκθεση Επιτρόπου Διοικήσεως και Ανθρωπίνων Δικαιωμάτων αναφορικά με την επικοινωνία κρατούμενων στις Κεντρικές Φυλακές με δικηγόρο της επιλογής τους*) File No. A/P 168/2013, 5 September 2013. Available at [www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/10C94426BE43E35FC2257BFD002D83CD/\\$file/168.2013-05092013.doc?OpenElement](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/10C94426BE43E35FC2257BFD002D83CD/$file/168.2013-05092013.doc?OpenElement)

<p>Q2.8. Does the suspect/sentenced person have the right to legal aid in the issuing state?</p>	<p>No right to legal aid is foreseen in the transposing legislation.</p> <p>The legal aid law provides for legal aid in criminal proceedings where the offence tried carries a prison sentence of no less than one year and includes pre-trial investigations, other pre-trial procedures and all procedures before a court exercising criminal jurisdiction.⁷⁶ It is not entirely clear whether the law allows the extension of legal aid to transfer procedures under this FD, particularly since Courts in Cyprus have in the past interpreted the right to legal aid restrictively. A general right to legal aid found in the Constitution⁷⁷ was held by the Supreme Court not to create any legal obligations for the state to provide legal aid where this is not foreseen in the law and therefore applicants cannot rely directly and</p>	<p>No right to legal aid is foreseen in the transposing legislation.</p> <p>The legal aid law provides for legal aid in criminal proceedings where the offence tried carries a prison sentence of no less than one year and includes pre-trial investigations, other pre-trial procedures and all procedures before a court exercising criminal jurisdiction.⁸⁰ It is not entirely clear whether the law allows the extension of legal aid to procedures under this FD, particularly since Courts in Cyprus have in the past interpreted the right to legal aid restrictively. A general right to legal aid found in the Constitution⁸¹ was held by the Supreme Court not to create any legal obligations for the state to provide legal aid where this is not foreseen in the law and therefore applicants cannot rely directly and solely on the</p>	<p>This FD has not been transposed.</p>
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⁷⁶ Cyprus, Law on the provision of Legal Aid (*Ο Περί Νομικής Αρωγής Νόμος*) N.165(I)/2002 as amended, Article 4. Available at www.cylaw.org/nomoi/enop/non-ind/2002_1_165/full.html

⁷⁷ Cyprus, The Constitution of the Republic of Cyprus (*Το Σύνταγμα της Κυπριακής Δημοκρατίας*) Article 30.3.(d). Available at www.cylaw.org/nomoi/enop/non-ind/syntagma/full.html

⁸⁰ Cyprus, Law on the provision of Legal Aid (*Ο Περί Νομικής Αρωγής Νόμος*) N.165(I)/2002 as amended, Article 4. Available at www.cylaw.org/nomoi/enop/non-ind/2002_1_165/full.html

⁸¹ Cyprus, The Constitution of the Republic of Cyprus (*Το Σύνταγμα της Κυπριακής Δημοκρατίας*) Article 30.3.(d). Available at www.cylaw.org/nomoi/enop/non-ind/syntagma/full.html

	<p>solely on the Constitution to be granted legal aid.⁷⁸</p> <p>The grant of legal aid is discretionary upon the Court and is subject to the financial means of the applicant, as these are assessed by the Social Welfare Services. In order for the Court to grant legal aid, it must be satisfied that the economic situation of the applicant is such that s/he is unable to pay for legal advice or representation. In addition, the Court must be satisfied that the seriousness of the case is such that it is in the interests of justice for legal aid to be granted.⁷⁹</p>	<p>Constitution to be granted legal aid.⁸²</p> <p>The grant of legal aid is discretionary upon the Court and is subject to the financial means of the applicant, as these are assessed by the Social Welfare Services. In order for the Court to grant legal aid, it must be satisfied that the economic situation of the applicant is such that s/he is unable to pay for legal advice or representation. In addition, the Court must be satisfied that the seriousness of the case is such that it is in the interests of justice for legal aid to be granted.⁸³</p>	
Q2.9. Is the suspect/sentenced person assisted by an interpreter in the issuing state, if required:			
<ul style="list-style-type: none"> While consenting to the transfer? 	<p>The law transposing this FD does not provide for the right to interpretation in the process of obtaining the suspect/sentenced</p>	<p>The law transposing this FD does not provide for the right to interpretation in the process of</p>	<p>This FD has not been transposed.</p>

⁷⁸ Cyprus, Re. the application of Svetlana Shalaeva (*Αναφορικά με την αίτηση της Svetlana Shalaeva*), Application no. 4/2005, 21 October 2005. Available at www.cylaw.org/cgi-bin/open.pl?file=apofaseis/aad/meros_4/2005/4-200510-4-05.htm&qstring=Shalaeva

⁷⁹ Cyprus, Law on the provision of Legal Aid (*Ο Περί Νομικής Αρωγής Νόμος*) N.165(I)/2002 as amended, Article 5. Available at www.cylaw.org/nomoi/enop/non-ind/2002_1_165/full.html

⁸² Cyprus, Re. the application of Svetlana Shalaeva (*Αναφορικά με την αίτηση της Svetlana Shalaeva*), Application no. 4/2005, 21 October 2005. Available at www.cylaw.org/cgi-bin/open.pl?file=apofaseis/aad/meros_4/2005/4-200510-4-05.htm&qstring=Shalaeva

⁸³ Cyprus, Law on the provision of Legal Aid (*Ο Περί Νομικής Αρωγής Νόμος*) N.165(I)/2002 as amended, Article 5. Available at www.cylaw.org/nomoi/enop/non-ind/2002_1_165/full.html

	<p>person's consent. The only right to interpretation foreseen in the transposing law concerns the notification of the decision for the transfer: in line with sub-article 6(3) of this FD, the issuing state has a duty to inform a suspect/sentenced person in a language which she or he understands of the decision to forward to the executing state the judgement and the certificate.⁸⁴</p>	<p>obtaining the suspect/sentenced person's consent.</p>	
<ul style="list-style-type: none"> • While requesting the transfer? 	<p>The law transposing this FD does not provide for the right to interpretation in the process of requesting the transfer.</p> <p>Such right may arguably be afforded by the law transposing the Interpretation and Translation Directive which provides for the right to interpretation, among others, for the submission of "other procedural applications",⁸⁵ in line with article 2(2) of this directive.</p>	<p>The law transposing this FD does not provide for the right to interpretation in the process of requesting the transfer.</p> <p>Such right may arguably be afforded by the law transposing the Interpretation and Translation Directive which provides for the right to interpretation, among others, for the submission of "other procedural applications",⁸⁶ in line with article 2(2) of this directive.</p>	<p>This FD has not been transposed.</p>

⁸⁴ Cyprus, Law on the procedure of recognition and execution in the European Union of decisions of member states of the European Union in criminal cases which impose penalties of deprivation of liberty (*Ο περί της διαδικασίας αναγνώρισης και εκτέλεσης στην Ευρωπαϊκή Ένωση αποφάσεων κρατών μελών της Ευρωπαϊκής Ένωσης σε ποινικές υποθέσεις οι οποίες επιβάλλουν ποινές στέρητικές της ελευθερίας ή μέτρα στέρητικά της ελευθερίας*) N. 67(I)/2014, 23 May 2014, Article 8(6). Available at www.cylaw.org/nomoi/arith/2014_1_67.pdf

⁸⁵ Cyprus, Law providing for the right to interpretation and translation during criminal procedure (*Νόμος που προνοεί για το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία*) N. 18(I)/2014, 19 February 2014, Articles 4(3). Available at www.cylaw.org/nomoi/arith/2014_1_18.pdf

⁸⁶ Cyprus, Law providing for the right to interpretation and translation during criminal procedure (*Νόμος που προνοεί για το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία*) N. 18(I)/2014, 19 February 2014, Articles 4(3). Available at www.cylaw.org/nomoi/arith/2014_1_18.pdf

<p>Q2.10. Are these interpretation or translation services provided during a face-to-face consultation? Please provide brief information.</p>	<p>Cyprus does not use remote interpretation technologies.⁸⁷ If interpretation is provided, this is done at a face-to-face consultation. Translation of documents is not done face-to-face; the translator works alone and presents the translated document to the detention authorities in order to be supplied to the suspect or sentenced person.</p>	<p>Cyprus does not use remote interpretation technologies.⁸⁸ If interpretation is provided, this is done at a face-to-face consultation. Translation of documents is not done face-to-face; the translator works alone and presents the translated document to the detention authorities in order to be supplied to the suspect or sentenced person.</p>	<p>This FD has not been transposed.</p>
<p>Q2.11. Is the suspect/sentenced person's full understanding of the transfer checked on a case by case basis in the issuing state? Please provide brief information.</p>	<p>No, there is no procedure or mechanism in place for a case by case examination of whether the suspect/sentenced person fully understands the transfer. The transposing legislation copies verbatim article 6(3) of this FD, in providing that if in the opinion of the issuing state the sentenced person is not in a position due to his or her age or physical or mental state to express an opinion then this right is exercised by his or her legal representative.⁸⁹ This provision however does not impose a specific duty on the issuing state to set up a monitoring mechanism that would</p>	<p>There is no requirement in the transposing legislation that suspects/sentenced persons understands the procedure and therefore there is no duty on the issuing state to conduct a case by case examination regarding their understanding of the procedure and its repercussions.</p>	<p>This FD has not been transposed.</p>

⁸⁷ Representative of the Nicosia District Criminal Court.

⁸⁸ Representative of the Nicosia District Criminal Court.

⁸⁹ Cyprus, Law on the procedure of recognition and execution in the European Union of decisions of member states of the European Union in criminal cases which impose penalties of deprivation of liberty (*Ο περί της διαδικασίας αναγνώρισης και εκτέλεσης στην Ευρωπαϊκή Ένωση αποφάσεων κρατών μελών της Ευρωπαϊκής Ένωσης σε ποινικές υποθέσει σοι οποίες επιβάλλουν ποινές στερητικές της ελευθερίας ή μέτρα στερητικά της ελευθερίας*) N. 67(I)/2014, 23 May 2014, Article 8(3). Available at www.cylaw.org/nomoi/arith/2014_1_67.pdf

	check each and every person's understanding of the procedure and its repercussions.		
Q2.12. If the executing state adapts, before the transfer, the sentence or measure imposed by the issuing state (as authorised by Article 8.3 of FD 909, Article 9 of FD 947 and Article 13 of FD 829), does the suspect/sentenced person receive any updated information?	The transposing legislation has transposed verbatim Article 8.3 of FD 909 and does not foresee any right for the suspect/sentenced person to receive updated information. ⁹⁰ The notification set out in Annex II of the FD, which is copied verbatim into national legislation, refers to the possibility of the sentence being adapted by the executing state and clarifies that the adaptation must not aggravate the sentence passed in the issuing state, but does not create a right to receive updated information if and when the sentence is adapted.	The transposing legislation has transposed verbatim Article 9 of FD 947 and does not foresee any right for the suspect/sentenced person to receive updated information. ⁹¹	This FD has not been transposed.
Q2.13. Is there a right to appeal the forwarding of the judgment/decision in the issuing state? If yes, please briefly provide information (e.g. how the suspect is made	Although the decisions of all courts are subject to appeal at the Supreme Court, ⁹² the transposing legislation does not provide for the right to	Although the decisions of all courts are subject to appeal at the Supreme Court, ⁹³ the transposing legislation does not provide for the right to	This FD has not been transposed.

⁹⁰ Cyprus, Law on the procedure of recognition and execution in the European Union of decisions of member states of the European Union in criminal cases which impose penalties of deprivation of liberty (*Ο περί της διαδικασίας αναγνώρισης και εκτέλεσης στην Ευρωπαϊκή Ένωση αποφάσεων κρατών μελών της Ευρωπαϊκής Ένωσης σε ποινικές υποθέσεις οι οποίες επιβάλλουν ποινές στερητικής ελευθερίας ή μέτρα στερητικής ελευθερίας*) N. 67(I)/2014, 23 May 2014, Article 11. Available at www.cylaw.org/nomoi/arith/2014_1_67.pdf

⁹¹ Cyprus, Law providing for the implementation of the principle of recognition of judicial decisions and decisions for the suspension of the sentence or conditional release for the purpose of supervision of probation measures and alternative sanctions (*Νόμος που προνοεί σχετικά με την εφαρμογή της αρχής της αναγνώρισης δικαστικών αποφάσεων και αποφάσεων αναστολής εκτέλεσης ποινής ή απόλυσης υπό όρους με σκοπό την εποπτεία των μέτρων αναστολής και των εναλλακτικών κυρώσεων*) N. 69(I)/2014, 23 May 2014, Article 8(2). Available at www.cylaw.org/nomoi/arith/2014_1_69.pdf

⁹² Cyprus, Courts of justice Law of 1960 until (No. 3) of 1998 [*Οι περί Δικαστηρίων Νόμοι του 1960 έως (Αρ.3) του 1998*], Article 25. Available at www.cylaw.org/nomoi/enop/non-ind/1960_1_14/full.html

⁹³ Cyprus, Courts of justice Law of 1960 until (No. 3) of 1998 [*Οι περί Δικαστηρίων Νόμοι του 1960 έως (Αρ.3) του 1998*], Article 25. Available at www.cylaw.org/nomoi/enop/non-ind/1960_1_14/full.html

aware of his/her right to appeal and what support is made available to him/her)	appeal the forwarding of the judgement or decision to the executing state, nor does it create any duty to inform the suspect/sentenced person of his or her right to appeal or to support him or him in order to appeal the decision. The notification set out in Annex II of the FD, which is copied verbatim into national legislation does not refer to the right to appeal the decision.	appeal the forwarding of the judgement or decision to the executing state, nor does it create any duty to inform the suspect/sentenced person of his or her right to appeal or to support him or him in order to appeal the decision.	
Q2.14. Does the suspect/sentenced person have a right to a regular review of the decision on the transfer in the issuing state? If yes, please briefly provide information (e.g. how often he/she can exercise this right)	The transposing legislation does not foresee any right or procedure for the regular review of the transfer decision.	The transposing legislation does not foresee any right or procedure for the regular review of the transfer decision.	This FD has not been transposed.
Q2.15. Is the suspect/sentenced person assisted by legal counsel in the executing state? If yes, please provide details (e.g. is this legal advice provided face-to-face or over the telephone?)	The transposing legislation does not provide for the right to legal counsel when Cyprus is the executing state. General legal aid principles apply, which are described under Q2.8, above.	The transposing legislation does not provide for the right to legal counsel when Cyprus is the executing state. General legal aid principles apply, which are described under Q2.8, above.	This FD has not been transposed.
Q2.16. Have there been instances where the Member State has refused a transfer based on a pre-determined ground of refusal, as permitted to a varying extent under each FD? If so, please briefly provide details.	Cyprus has not received a request for a transfer under this FD yet. ⁹⁴	Cyprus has not received a request for a transfer under this FD yet. ⁹⁵	This FD has not been transposed.

⁹⁴ Representative from the Ministry of Justice and Public Order.

⁹⁵ Representative from the Ministry of Justice and Public Order.

<p>Q.2.17. Are there any specific legislative or policy developments regarding the informed consent to the transfer of particular suspects/sentenced persons (such as children or persons with disabilities) in the issuing state? (e.g. the use of healthcare professionals)</p>	<p>There are no developments regarding the informed consent to the transfer under this FD. The transposing law was only adopted in May 2014 and no request has been received by Cyprus under this FD yet, therefore the framework has not been tested in order to locate gaps.</p> <p>At the end of 2014, regulations were adopted by the Supreme Court providing for the legal representation of children in proceedings affecting them by the Commissioner for the Rights of the Child.⁹⁶ It is not clear whether the procedures foreseen under this FD fall under the scope of these Regulations but it is likely that these regulations will activate the involvement of the Commissioner to provide a safeguard for the children's rights in this procedure.</p>	<p>The transposing legislation does not require the informed consent of the suspect/sentenced persons for the transfer. There are no legal or policy developments in the field of creating or implementing such a requirement.</p> <p>At the end of 2014, regulations were adopted by the Supreme Court providing for the legal representation of children in proceedings affecting them by the Commissioner for the Rights of the Child.⁹⁷ It is not clear whether the procedures foreseen under this FD fall under the scope of these Regulations but it is likely that these regulations will activate the involvement of the Commissioner to provide a safeguard for the children's rights in this procedure.</p>	<p>This FD has not been transposed.</p>
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⁹⁶ Cyprus, Procedural Regulation on the Commissioner for the rights of the child (appointment of Commissioner by the Court as the child's representative) of 2014, 5 December 2014. Available at

[www.childcom.org.cy/ccr/ccr.nsf/All/B9B6BCA3576531C2C2257DDB00331B08/\\$file/%CE%94%CE%B9%CE%B1%CE%B4%CE%B9%CE%BA%CE%B1%CF%83%CF%84%CE%B9%CE%BA%CF%8C%CF%82%20%CE%9A%CE%B1%CE%BD%CE%BF%CE%BD%CE%B9%CF%83%CE%BC%CF%8C%CF%82%20%CE%95%CF%80%CE%B9%CF%84%CF%81%CF%8C%CF%80%CE%BF%CF%85.pdf](http://www.childcom.org.cy/ccr/ccr.nsf/All/B9B6BCA3576531C2C2257DDB00331B08/$file/%CE%94%CE%B9%CE%B1%CE%B4%CE%B9%CE%BA%CE%B1%CF%83%CF%84%CE%B9%CE%BA%CF%8C%CF%82%20%CE%9A%CE%B1%CE%BD%CE%BF%CE%BD%CE%B9%CF%83%CE%BC%CF%8C%CF%82%20%CE%95%CF%80%CE%B9%CF%84%CF%81%CF%8C%CF%80%CE%BF%CF%85.pdf)

⁹⁷ Cyprus, Procedural Regulation on the Commissioner for the rights of the child (appointment of Commissioner by the Court as the child's representative) of 2014, 5 December 2014. Available at

[www.childcom.org.cy/ccr/ccr.nsf/All/B9B6BCA3576531C2C2257DDB00331B08/\\$file/%CE%94%CE%B9%CE%B1%CE%B4%CE%B9%CE%BA%CE%B1%CF%83%CF%84%CE%B9%CE%BA%CF%8C%CF%82%20%CE%9A%CE%B1%CE%BD%CE%BF%CE%BD%CE%B9%CF%83%CE%BC%CF%8C%CF%82%20%CE%95%CF%80%CE%B9%CF%84%CF%81%CF%8C%CF%80%CE%BF%CF%85.pdf](http://www.childcom.org.cy/ccr/ccr.nsf/All/B9B6BCA3576531C2C2257DDB00331B08/$file/%CE%94%CE%B9%CE%B1%CE%B4%CE%B9%CE%BA%CE%B1%CF%83%CF%84%CE%B9%CE%BA%CF%8C%CF%82%20%CE%9A%CE%B1%CE%BD%CE%BF%CE%BD%CE%B9%CF%83%CE%BC%CF%8C%CF%82%20%CE%95%CF%80%CE%B9%CF%84%CF%81%CF%8C%CF%80%CE%BF%CF%85.pdf)

TOPIC	FD 2008/909	FD 2008/947	FD 2009/829 (ESO)
Q3. DECISION ON TRANSFER			
Q3.1. Are the following factors considered while deciding on forwarding a judgment or decision in the issuing state?			
<ul style="list-style-type: none"> The likely impact on the social rehabilitation of the suspect/sentenced person? 	Copying verbatim Article 4(2) of this FD, the transposing legislation provides that the issuing state must forward the judgement and the certificate on condition that it is satisfied that the serving of the sentence in the executing state will facilitate the social integration of the sentenced person. ⁹⁸	No relevant provision is found in the transposing legislation.	This FD has not been transposed.
<ul style="list-style-type: none"> Fundamental rights implications (such as the right to family life, right to education)? 	Other than when fundamental rights have been violated, such as those foreseen in article 6 of the European Convention on Human Rights. ⁹⁹ , which may constitute reasons for refusal to recognise and execute a judgement, the transposing law does not require that additional considerations be taken into account.	The transposing law does not require that additional considerations be taken into account.	This FD has not been transposed.

⁹⁸ Cyprus, Law on the procedure of recognition and execution in the European Union of decisions of member states of the European Union in criminal cases which impose penalties of deprivation of liberty (*Ο περί της διαδικασίας αναγνώρισης και εκτέλεσης στην Ευρωπαϊκή Ένωση αποφάσεων κρατών μελών της Ευρωπαϊκής Ένωσης σε ποινικές υποθέσεις οι οποίες επιβάλλουν ποινές στερητικές της ελευθερίας ή μέτρα στερητικά της ελευθερίας*) N. 67(I)/2014, 23 May 2014, Article 7(2). Available at www.cylaw.org/nomoi/arith/2014_1_67.pdf

⁹⁹ Cyprus, Law on the procedure of recognition and execution in the European Union of decisions of member states of the European Union in criminal cases which impose penalties of deprivation of liberty (*Ο περί της διαδικασίας αναγνώρισης και εκτέλεσης στην Ευρωπαϊκή Ένωση αποφάσεων κρατών μελών της Ευρωπαϊκής Ένωσης σε ποινικές υποθέσεις οι οποίες επιβάλλουν ποινές στερητικές της ελευθερίας ή μέτρα στερητικά της ελευθερίας*) N. 67(I)/2014, 23 May 2014, Article 10(1). Available at www.cylaw.org/nomoi/arith/2014_1_67.pdf

<ul style="list-style-type: none"> Others? Please specify. 	<p>As an executing state, the competent authority may refuse to recognise and execute the judgement of another member state if the certificate raises issues suggesting that fundamental rights have been violated, such as those foreseen in article 6 of the European Convention on Human Rights.¹⁰⁰ In addition, the transposing legislation incorporates all the grounds for non-recognition and non-enforcement foreseen under Article 9 of this FD.¹⁰¹</p>	<p>As an executing state, the competent authority may refuse to recognise and execute the judgement of another member state incorporating all the grounds for non-recognition and non-enforcement foreseen under Article 11 of this FD.¹⁰²</p> <p>Law No. 69 does not refer to Article 6 ECHR as law No. 67 does.</p>	<p>This FD has not been transposed.</p>
<p>Q3.2: While deciding on the transfer, are there any specific criteria/guidelines on the factors considered to be relevant for the purposes of (social) rehabilitation in the issuing state? Please provide any document containing those criteria/guidelines and specify whether the following factors are considered:</p>	<p>The transposing legislation does not provide any criteria or guidelines relevant to the sentenced person's social rehabilitation. There is no document containing such guidelines.</p>	<p>The transposing legislation does not provide any criteria or guidelines relevant to the sentenced person's social rehabilitation. There is no document containing such guidelines.</p>	<p>This FD has not been transposed.</p>

¹⁰⁰ Cyprus, Law on the procedure of recognition and execution in the European Union of decisions of member states of the European Union in criminal cases which impose penalties of deprivation of liberty (*Ο περί της διαδικασίας αναγνώρισης και εκτέλεσης στην Ευρωπαϊκή Ένωση αποφάσεων κρατών μελών της Ευρωπαϊκής Ένωσης σε ποινικές υποθέσεις οι οποίες επιβάλλουν ποινές στέρητικές της ελευθερίας ή μέτρα στέρητικά της ελευθερίας*) N. 67(I)/2014, 23 May 2014, Article 10(1). Available at www.cylaw.org/nomoi/arith/2014_1_67.pdf

¹⁰¹ Cyprus, Law on the procedure of recognition and execution in the European Union of decisions of member states of the European Union in criminal cases which impose penalties of deprivation of liberty (*Ο περί της διαδικασίας αναγνώρισης και εκτέλεσης στην Ευρωπαϊκή Ένωση αποφάσεων κρατών μελών της Ευρωπαϊκής Ένωσης σε ποινικές υποθέσεις οι οποίες επιβάλλουν ποινές στέρητικές της ελευθερίας ή μέτρα στέρητικά της ελευθερίας*) N. 67(I)/2014, 23 May 2014, Article 10(2). Available at www.cylaw.org/nomoi/arith/2014_1_67.pdf

¹⁰² Cyprus, Law providing for the implementation of the principle of recognition of judicial decisions and decisions for the suspension of the sentence or conditional release for the purpose of supervision of probation measures and alternative sanctions (*Νόμος που προνοεί σχετικά με την εφαρμογή τη αρχής της αναγνώρισης δικαστικών αποφάσεων και αποφάσεων αναστολής εκτέλεσης της ποινής ή απόλυσης υπό όρους με σκοπό την εποπτεία των μέτρων αναστολής και των εναλλακτικών κυρώσεων*) N. 69(I)/2014, 23 May 2014, Article 13(1). Available at www.cylaw.org/nomoi/arith/2014_1_69.pdf

<ul style="list-style-type: none"> Family and social ties (e.g. accommodation, employment or other economic ties, linguistic and cultural links)? 	<p>There is no requirement in the transposing law or in any other document that these be taken into account for determining the prospects for social rehabilitation in the executing state, although there is nothing in this or in any other law preventing Cypriot courts from taking family and social ties into account in order to assess the prospects of social rehabilitation. , particularly if they are widely used by corresponding competent authorities in other member states. Judicial precedent from English Courts is particularly relevant and regularly invoked in Cypriot Courts, where there is a gap in national legislation or common law; In the absence of a specific provision to the contrary, the Cypriot courts apply English legislation and English common law.¹⁰³</p>	<p>There is no requirement in the transposing law or in any other document that these be taken into account for determining the prospects for social rehabilitation in the executing state, although the court is not prevented from taking these into account in order to assess such prospects, particularly if they are widely used by corresponding competent authorities in other member states.</p>	
<ul style="list-style-type: none"> Criminal history and criminal ties? 	<p>There is no requirement in the transposing law or in any other document that these be taken into account for determining the prospects for social rehabilitation in the executing state, although the court is not prevented from taking these into account in order to assess</p>	<p>There is no requirement in the transposing law or in any other document that these be taken into account for determining the prospects for social rehabilitation in the executing state, although the court is not prevented from taking these into account in order</p>	

¹⁰³ Cyprus, Courts of Justice Laws of 1960 until (No.3) of 1998 (Οι Περί Δικαστηρίων Νόμοι του 1960 έως (Αρ. 3) του 1998) N. 14/1960, Article 29(1). Available at www.cylaw.org/nomoi/enop/non-ind/1960_1_14/full.html

	such prospects, particularly if they are widely used by corresponding competent authorities in other member states.	to assess such prospects, particularly if they are widely used by corresponding competent authorities in other member states.	
<ul style="list-style-type: none"> Humanitarian concerns (i.e. terminal illness of suspect/sentenced person or family members)? 	There is no requirement in the transposing law or in any other document that these be taken into account for determining the prospects for social rehabilitation in the executing state, although the court is not prevented from taking these into account in order to assess such prospects, particularly if they are widely used by corresponding competent authorities in other member states.	There is no requirement in the transposing law or in any other document that these be taken into account for determining the prospects for social rehabilitation in the executing state, although the court is not prevented from taking these into account in order to assess such prospects, particularly if they are widely used by corresponding competent authorities in other member states.	
<ul style="list-style-type: none"> Detention conditions (e.g. issues of overcrowding or availability of courses, such as the <i>Modulos</i> in Spain which has separate units to promote a progressive accountability of inmates) 	There is no requirement in the transposing law or in any other document that these be taken into account for determining the prospects for social rehabilitation in the executing state, although the court is not prevented from taking these into account in order to assess such prospects, particularly if they are widely used by corresponding competent authorities in other member states.	There is no requirement in the transposing law or in any other document that these be taken into account for determining the prospects for social rehabilitation in the executing state, although the court is not prevented from taking these into account in order to assess such prospects, particularly if they are widely used by corresponding competent authorities in other member states.	
<ul style="list-style-type: none"> Others? 	N/A	N/A	
Q.3.3. Are the following persons/entities consulted in the evaluation of the likelihood of social rehabilitation by the issuing state:			
<ul style="list-style-type: none"> Probation agencies or similar entities in the issuing state? 	No, there is no requirement that any such entities be consulted.	No, there is no requirement that any such entities be consulted.	This FD has not been transposed.

<ul style="list-style-type: none"> The competent authorities in the executing state? 	<p>In line with Article 4(3) of this FD, where the executing state is the Member State of nationality in which the sentenced person lives or is the Member State to which the sentenced person will be deported once released, the competent authorities in the executing state may be consulted only if necessary. Consultation with the competent authorities of the executing state is obligatory where the executing state is neither the state of nationality nor the member state where the sentenced person will be deported to once released, but another member state which consents to the forwarding of the judgment and the certificate.¹⁰⁴</p>	<p>The transposing legislation contains a general provision for consultation between the competent authorities of the issuing state and the executing state where this is appropriate for the purpose of facilitating the smooth and effective implementation of the law.¹⁰⁵</p>	
<ul style="list-style-type: none"> The suspect/sentenced person? 	<p>The suspect/sentenced person is entitled to express an opinion on the transfer which must be taken into account by the issuing state in the process of evaluating the transfer</p>	<p>No, there is no such requirement.</p>	

¹⁰⁴ Cyprus, Law on the procedure of recognition and execution in the European Union of decisions of member states of the European Union in criminal cases which impose penalties of deprivation of liberty (Ο περί της διαδικασίας αναγνώρισης και εκτέλεσης στην Ευρωπαϊκή Ένωση αποφάσεων κρατών μελών της Ευρωπαϊκής Ένωσης σε ποινικές υποθέσεις οι οποίες επιβάλλουν ποινές στερητικές της ελευθερίας ή μέτρα στερητικά της ελευθερίας) N. 67(I)/2014, 23 May 2014, sub-articles 7(2) and 7(3) . Available at www.cylaw.org/nomoi/arith/2014_1_67.pdf

¹⁰⁵ Cyprus, Law providing for the implementation of the principle of recognition of judicial decisions and decisions for the suspension of the sentence or conditional release for the purpose of supervision of probation measures and alternative sanctions (Νόμος που προνοείσχετικάμε την εφαρμογή τη αρχήςτης αναγνώρισης δικαστικών αποφάσεων και αποφάσεων αναστολής εκτέλεσης της ποινής ή απόλυσης υπό όρους με σκοπό την εποπτεία τωνμέτρων αναστολής και των εναλλακτικών κυρώσεων) N. 69(I)/2014, 23 May 2014, Article 17. Available at www.cylaw.org/nomoi/arith/2014_1_69.pdf

	request ¹⁰⁶ which opinion may refer to the prospects for social rehabilitation in the executing state. Other than this, consultation with the suspect/sentenced person is not obligatory.		
<ul style="list-style-type: none"> The family of the suspect/sentenced persons, especially with regard to child offenders? 	No.	No.	
<ul style="list-style-type: none"> Any other person/entity? 	No. But where the Commissioner for the Rights of the Child is appointed as legal representative of a child in judicial proceedings, ¹⁰⁷ an implied duty of consulting the Commissioner may arise.	No.	
Q3.4. Are there any specific legislative or policy developments regarding the evaluation of the likelihood of social rehabilitation of particular suspects/ sentenced persons (such as children or persons with disabilities) by the issuing state?	No.	No.	This FD has not been transposed.
Q3.5. Is additional information, other than that required in the certificate (for which the	The issuing state is under a duty to supply to the executing state:	The transposing legislation has incorporated the requirement for	

¹⁰⁶ Cyprus, Law on the procedure of recognition and execution in the European Union of decisions of member states of the European Union in criminal cases which impose penalties of deprivation of liberty (Ο περί της διαδικασίας αναγνώρισης και εκτέλεσης στην Ευρωπαϊκή Ένωση αποφάσεων κρατών μελών της Ευρωπαϊκής Ένωσης σε ποινικές υποθέσεις οι οποίες επιβάλλουν ποινές στερητικές της ελευθερίας ή μέτρα στερητικά της ελευθερίας) N. 67(I)/2014, 23 May 2014, sub-articles 8(3) and 8(4) . Available at www.cylaw.org/nomoi/arith/2014_1_67.pdf

¹⁰⁷ Cyprus, Procedural Regulation on the Commissioner for the rights of the child (appointment of Commissioner by the Court as the child's representative) of 2014, 5 December 2014. Available at [www.childcom.org.cy/ccr/ccr.nsf/All/B9B6BCA3576531C2C2257DDB00331B08/\\$file/%CE%94%CE%B9%CE%B1%CE%B4%CE%B9%CE%BA%CE%B1%CF%83%CF%84%CE%B9%CE%BA%CF%8C%CF%82%20%CE%9A%CE%B1%CE%BD%CE%BF%CE%BD%CE%B9%CF%83%CE%BC%CF%8C%CF%82%20%CE%95%CF%80%CE%B9%CF%84%CF%81%CF%8C%CF%80%CE%BF%CF%85.pdf](http://www.childcom.org.cy/ccr/ccr.nsf/All/B9B6BCA3576531C2C2257DDB00331B08/$file/%CE%94%CE%B9%CE%B1%CE%B4%CE%B9%CE%BA%CE%B1%CF%83%CF%84%CE%B9%CE%BA%CF%8C%CF%82%20%CE%9A%CE%B1%CE%BD%CE%BF%CE%BD%CE%B9%CF%83%CE%BC%CF%8C%CF%82%20%CE%95%CF%80%CE%B9%CF%84%CF%81%CF%8C%CF%80%CE%BF%CF%85.pdf)

<p>standard form is given in Annex I of the three FDs), provided to the competent authorities of the executing state while forwarding the judgment or decision? If yes, please specify if pre-sentence reports are forwarded.</p>	<ul style="list-style-type: none"> - The sentenced person's opinion in writing, for those cases where such consent is required by law;¹⁰⁸ - In line with article 20(1) of this FD, any decision or measure as a result of which the sentence imposed on a person cannot be carried out;¹⁰⁹ - Documents supplying information under article 21 of this FD.¹¹⁰ <p>No pre-sentencing reports are forwarded.</p>	<p>the supply of documents under articles 16, 17 and 18 of this FD.¹¹¹</p> <p>No pre-sentencing reports are forwarded.</p>	
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¹⁰⁸ Cyprus, Law on the procedure of recognition and execution in the European Union of decisions of member states of the European Union in criminal cases which impose penalties of deprivation of liberty (*Ο περί της διαδικασίας αναγνώρισης και εκτέλεσης στην Ευρωπαϊκή Ένωση αποφάσεων κρατών μελών της Ευρωπαϊκής Ένωσης σε ποινικές υποθέσεις οι οποίες επιβάλλουν ποινές στερητικές της ελευθερίας ή μέτρα στερητικά της ελευθερίας*) N. 67(I)/2014, 23 May 2014, Article 8(5). Available at www.cylaw.org/nomoi/arith/2014_1_67.pdf

¹⁰⁹ Cyprus, Law on the procedure of recognition and execution in the European Union of decisions of member states of the European Union in criminal cases which impose penalties of deprivation of liberty (*Ο περί της διαδικασίας αναγνώρισης και εκτέλεσης στην Ευρωπαϊκή Ένωση αποφάσεων κρατών μελών της Ευρωπαϊκής Ένωσης σε ποινικές υποθέσεις οι οποίες επιβάλλουν ποινές στερητικές της ελευθερίας ή μέτρα στερητικά της ελευθερίας*) N. 67(I)/2014, 23 May 2014, Article 22(1). Available at www.cylaw.org/nomoi/arith/2014_1_67.pdf

¹¹⁰ Cyprus, Law on the procedure of recognition and execution in the European Union of decisions of member states of the European Union in criminal cases which impose penalties of deprivation of liberty (*Ο περί της διαδικασίας αναγνώρισης και εκτέλεσης στην Ευρωπαϊκή Ένωση αποφάσεων κρατών μελών της Ευρωπαϊκής Ένωσης σε ποινικές υποθέσεις οι οποίες επιβάλλουν ποινές στερητικές της ελευθερίας ή μέτρα στερητικά της ελευθερίας*) N. 67(I)/2014, 23 May 2014, Articles 18, 19 and 20. Available at www.cylaw.org/nomoi/arith/2014_1_67.pdf

¹¹¹ Cyprus, Law providing for the implementation of the principle of recognition of judicial decisions and decisions for the suspension of the sentence or conditional release for the purpose of supervision of probation measures and alternative sanctions (*Νόμος που προνοεί σχετικά με την εφαρμογή τη αρχής της αναγνώρισης δικαστικών αποφάσεων και αποφάσεων αναστολής εκτέλεσης της ποινής ή απόλυσης υπό όρους με σκοπό την εποπτεία των μέτρων αναστολής και των εναλλακτικών κυρώσεων*) N. 69(I)/2014, 23 May 2014, Article 8(2). Available at www.cylaw.org/nomoi/arith/2014_1_69.pdf

Q3.6. If pre-sentence reports are forwarded by the issuing state, are they translated to the language of the executing state?	N/a	N/a	
Q3.7. Are there specific measures, as required by Article 4 (6) FD 909, which constitute the basis on which the competent authorities in the executing State have to take their decisions whether or not to consent to the forwarding of the judgement and the certificate (where required)?	No such measures are foreseen in the transposing legislation or in any other document.		
Q3.8. Are there formal and clear rules regarding data protection in the information exchange between:			
<ul style="list-style-type: none"> National authorities (consulted in the evaluation of the likelihood of social rehabilitation) in the issuing state? 	The law transposing the Framework Decision on deprivation of liberty ¹¹² does not include any data protection provisions. However, national data protection laws permit the processing of personal data if the data subjects have given their explicit consent or where	The national law transposing the Framework Decision on alternative sanctions ¹¹⁴ makes no provision about data protection but national data protection laws permit processing of personal data where this is necessary in order to comply with EU laws and regulations or in order to protect	This FD has not been transposed.

¹¹² Cyprus, Law on the procedure of recognition and execution in the European Union of decisions of member states of the European Union in criminal cases which impose penalties of deprivation of liberty (*Ο περί της διαδικασίας αναγνώρισης και εκτέλεσης στην Ευρωπαϊκή Ένωση αποφάσεων κρατών μελών της Ευρωπαϊκής Ένωσης σε ποινικές υποθέσεις οι οποίες επιβάλλουν ποινές στερητικές της ελευθερίας ή μέτρα στερητικά της ελευθερίας*) N. 67(I)/2014, 23 May 2014. Available at www.cylaw.org/nomoi/arith/2014_1_67.pdf

¹¹⁴ Cyprus, Law providing for the implementation of the principle of recognition of judicial decisions and decisions for the suspension of the sentence or conditional release for the purpose of supervision of probation measures and alternative sanctions (*Νόμος που προνοεί σχετικά με την εφαρμογή τη αρχής της αναγνώρισης δικαστικών αποφάσεων και αποφάσεων αναστολής εκτέλεσης της ποινής ή απόλυσης υπό όρους με σκοπό την εποπτεία των μέτρων αναστολής και των εναλλακτικών κυρώσεων*) N. 69(I)/2014, 23 May 2014. Available at www.cylaw.org/nomoi/arith/2014_1_69.pdf

	<ul style="list-style-type: none"> - processing is necessary for compliance with the obligations of the controller foreseen under laws or regulations of the European Union; or - processing is necessary to protect the vital interests of the data subject; or - processing is necessary to carry out works of public interest or a project carried out in the exercise of public authority and entrusted either to the controller or a third party to whom the data are disclosed; or - Processing is necessary in order to satisfy the legitimate interests pursued by the controller or by the third party to communicating the personal data, provided that this takes precedence over the rights, interests and fundamental freedoms of data subjects.¹¹³ <p>Although not explicitly mentioned in the data protection legislation, communications between national</p>	<p>the vital interests of the data subject or in order to carry out works of public interest or exercise public authority, or to satisfy an legitimate interest pursued by the controller or a third party which takes precedence over the rights and interests of the data subject.¹¹⁵ Although not explicitly mentioned in the data protection legislation, communications between national authorities for the purpose of implementing the Framework Decision on alternative sanctions are impliedly covered by this provision.</p>	
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¹¹³ Cyprus, Law on the processing of personal data (protection of the person of 2001) [*Ο περί Επεξεργασίας Δεδομένων Προσωπικού Χαρακτήρα (Προστασία του Ατόμου) Νόμου του 2001*] N. 138(I)/2001, Article 5. Available at www.cylaw.org/nomoi/enop/non-ind/2001_1_138/full.html

¹¹⁵ Cyprus, Law on the processing of personal data (Protection of the person of 2001) [*Ο περί Επεξεργασίας Δεδομένων Προσωπικού Χαρακτήρα (Προστασία του Ατόμου) Νόμου του 2001*] N. 138(I)/2001, Article 5. Available at www.cylaw.org/nomoi/enop/non-ind /2001_1_138/full.html

	authorities for the purpose of implementing the Framework Decision on deprivation of liberty are impliedly covered by this provision.		
<ul style="list-style-type: none"> • Authorities in the issuing and executing state? 	<p>There are no national rules on data protection in the process of exchange of information between states. The national data protection laws permit the transfer of data to the European Union member states or states parties to the EEA or to third countries for which the European Commission has ruled that they maintain an adequate level of protection of personal data.¹¹⁶</p> <p>The law transposing this FD¹¹⁷ does not include any data protection provisions. However, the Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data</p>	<p>The national law transposing the Framework Decision on alternative sanctions¹¹⁹ makes no provision about data protection but Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters applies. Framework Decision 2008/977 was transposed into national law through a decision of the Council of Ministers in 2013.¹²⁰</p>	<p>This FD has not been transposed.</p>

¹¹⁶ Cyprus, Law on the processing of personal data (Protection of the person of 2001) [*Ο περί Επεξεργασίας Δεδομένων Προσωπικού Χαρακτήρα (Προστασία του Ατόμου) Νόμος του 2001*] N. 138(I)/2001, Article 9(1). Available at www.cylaw.org/nomoi/enop/non-ind/2001_1_138/full.html

¹¹⁷ Cyprus, Law on the procedure of recognition and execution in the European Union of decisions of member states of the European Union in criminal cases which impose penalties of deprivation of liberty (*Ο περί της διαδικασίας αναγνώρισης και εκτέλεσης στην Ευρωπαϊκή Ένωση αποφάσεων κρατών μελών της Ευρωπαϊκής Ένωσης σε ποινικές υποθέσεις οι οποίες επιβάλλουν ποινές στέρησης της ελευθερίας ή μέτρα στέρησης της ελευθερίας*) N. 67(I)/2014, 23 May 2014. Available at www.cylaw.org/nomoi/arith/2014_1_67.pdf

¹¹⁹ Cyprus, Law providing for the implementation of the principle of recognition of judicial decisions and decisions for the suspension of the sentence or conditional release for the purpose of supervision of probation measures and alternative sanctions (*Νόμος που προνοεί σχετικά με την εφαρμογή τη αρχής της αναγνώρισης δικαστικών αποφάσεων και αποφάσεων αναστολής εκτέλεσης της ποινής ή απόλυσης υπό όρους με σκοπό την εποπτεία των μέτρων αναστολής και των εναλλακτικών κυρώσεων*) N. 69(I)/2014, 23 May 2014. Available at www.cylaw.org/nomoi/arith/2014_1_69.pdf

¹²⁰ Cyprus, Council of Ministers Decision No. 75.927, 23 October 2013.

	processed in the framework of police and judicial cooperation in criminal matters applies. Framework Decision 2008/977 was transposed into national law through a decision of the Council of Ministers in 2013. ¹¹⁸		
TOPIC	FD 2008/909	FD 2008/947	FD 2009/829 (ESO)
Q4. VICTIMS			
Q4.1. Do the victims have the right to receive the following information regarding the transfer from the issuing state:			
<ul style="list-style-type: none"> The decision to transfer 	<p>The transposing legislation does not provide for any rights of the victim to be informed about any matter</p> <p>The CY victims' law provides only for compensation, not for the right to information. Only the two laws mentioned below provide for the right of victims to information (law on human trafficking and on sexual abuse).</p>	<p>The transposing legislation does not provide for any rights of the victim to be informed about any matter.</p> <p>The CY victims' law provides only for compensation, not for the right to information. Only the two laws mentioned below provide for the right of victims to information (law on human trafficking and on sexual abuse).</p>	This directive has not been transposed.
<ul style="list-style-type: none"> The status of the transfer 	The transposing legislation does not provide for any rights of the victim to be informed about any matter.	The transposing legislation does not provide for any rights of the victim to be informed about any matter.	
<ul style="list-style-type: none"> Other? Please specify. 	In cases of human trafficking as well as in cases of sexual abuse or sexual exploitation of children and	In cases of human trafficking as well as in cases of sexual abuse or sexual exploitation of children	

¹¹⁸ Cyprus, Council of Ministers Decision No. 75.927, 23 October 2013.

	provided the victim or the victim's guardian or legal representative so wish, the police supplies information regarding the developments which took place following the victim's complaint and the court's decision. If the prosecution authorities believe that the victim is at risk as a result of the release of the sentenced person, they will inform the victim and take the necessary precautions to protect him or her. ¹²¹	and provided the victim or the victim's guardian or legal representative so wish, the police supplies information regarding the developments which took place following the victim's complaint and the court's decision. If the prosecution authorities believe that the victim is at risk as a result of the release of the sentenced person, they will inform the victim and take the necessary precautions to protect him or her. ¹²²	
Q4.2. Is there any procedure in place to provide this information as issuing or executing state? If yes, please specify:	Victims have the right to be informed of the progress and outcome of the case only where the offence concerns child sexual abuse or human trafficking. ¹²³ Therefore,	Victims have the right to be informed of the progress and outcome of the case only where the offence concerns child sexual	

¹²¹ Cyprus, Law on the prevention and combating of sexual abuse and sexual exploitation of children and child pornography (*Ο περί της Πρόληψης και της Καταπολέμησης της Σεξουαλικής Κακοποίησης, της Σεξουαλικής Εκμετάλλευσης Παιδιών και της Παιδικής Πορνογραφίας Νόμος του 2014*) N. 91(I)/2014, Article 36(2). Available at www.cylaw.org/nomoi/enop/ind/2014_1_91/section-scd64b343e-b01b-7c23-40aa-0176c0990714.html; Cyprus, Law revising the legal framework regulating the prevention, combating of trafficking and exploitation of persons and protection of victims (*Νόμος που αναθεωρεί το νομικό πλαίσιο που διέπει την πρόληψη και την καταπολέμηση της εμπορίας προσώπων και την προστασία των θυμάτων*) N.60(I)/2014, 15 April 2014, Article 32(2). Available at www.cylaw.org/nomoi/arith/2014_1_60.pdf#page=1&zoom=auto,-82,842

¹²² Cyprus, Law on the prevention and combating of sexual abuse and sexual exploitation of children and child pornography (*Ο περί της Πρόληψης και της Καταπολέμησης της Σεξουαλικής Κακοποίησης, της Σεξουαλικής Εκμετάλλευσης Παιδιών και της Παιδικής Πορνογραφίας Νόμος του 2014*) N. 91(I)/2014, Article 36(2). Available at www.cylaw.org/nomoi/enop/ind/2014_1_91/section-scd64b343e-b01b-7c23-40aa-0176c0990714.html; Cyprus, Law revising the legal framework regulating the prevention, combating of trafficking and exploitation of persons and protection of victims (*Νόμος που αναθεωρεί το νομικό πλαίσιο που διέπει την πρόληψη και την καταπολέμηση της εμπορίας προσώπων και την προστασία των θυμάτων*) N.60(I)/2014, 15 April 2014, Article 32(2). Available at www.cylaw.org/nomoi/arith/2014_1_60.pdf#page=1&zoom=auto,-82,842

¹²³ Cyprus, Law on the prevention and combating of sexual abuse and sexual exploitation of children and child pornography (*Ο περί της Πρόληψης και της Καταπολέμησης της Σεξουαλικής Κακοποίησης, της Σεξουαλικής Εκμετάλλευσης Παιδιών και της Παιδικής Πορνογραφίας Νόμος του 2014*) N. 91(I)/2014, Article 36(2). Available at www.cylaw.org/nomoi/enop/ind/2014_1_91/section-scd64b343e-b01b-7c23-40aa-0176c0990714.html; Cyprus, Law revising the legal framework regulating the prevention,

	the duty to inform the victim applies both as issuing and as executing state, provided the authorities are in possession of the information which according to the laws on trafficking and sexual abuse must be divulged to victims.	abuse or human trafficking. ¹²⁴ Therefore, the duty to inform the victim applies both as issuing and as executing state, provided the authorities are in possession of the information which according to the laws on trafficking and sexual abuse must be divulged to victims.	
<ul style="list-style-type: none"> Is the information provided upon request of the victim? 	Upon the request of the victim and where the victim is a child upon the request of the victim's guardian or legal representative.	Upon the request of the victim and where the victim is a child upon the request of the victim's guardian or legal representative.	
<ul style="list-style-type: none"> Who responsible for providing this information? 	The police and the prosecution authorities.	The police and the prosecution authorities.	
<ul style="list-style-type: none"> Is it a verbal or written communication? 	No provision is made in the relevant legislation as to whether the communication ought to be oral or written.	No provision is made in the relevant legislation as to whether the communication ought to be oral or written.	
Q4.3. Do the victims have the right to be heard concerning the transfer (in the state you are describing, as issuing or executing state)? (e.g. through submitting an oral or written response)	No, victims do not have the right to be heard.	No, victims do not have the right to be heard.	This directive has not been transposed.

combating of trafficking and exploitation of persons and protection of victims (*Νόμος που αναθεωρεί το νομικό πλαίσιο που διέπει την πρόληψη και την καταπολέμηση της εμπορίας προσώπων και την προστασία των θυμάτων*) N.60(I)/2014, 15 April 2014, Article 32(2). Available at www.cylaw.org/nomoi/arith/2014_1_60.pdf#page=1&zoom=auto,-82,842

¹²⁴ Cyprus, Law on the prevention and combating of sexual abuse and sexual exploitation of children and child pornography (*Ο περί της Πρόληψης και της Καταπολέμησης της Σεξουαλικής Κακοποίησης, της Σεξουαλικής Εκμετάλλευσης Παιδιών και της Παιδικής Πορνογραφίας Νόμος του 2014*) N. 91(I)/2014, Article 36(2). Available at www.cylaw.org/nomoi/enop/ind/2014_1_91/section-scd64b343e-b01b-7c23-40aa-0176c0990714.html; Cyprus, Law revising the legal framework regulating the prevention, combating of trafficking and exploitation of persons and protection of victims (*Νόμος που αναθεωρεί το νομικό πλαίσιο που διέπει την πρόληψη και την καταπολέμηση της εμπορίας προσώπων και την προστασία των θυμάτων*) N.60(I)/2014, 15 April 2014, Article 32(2). Available at www.cylaw.org/nomoi/arith/2014_1_60.pdf#page=1&zoom=auto,-82,842

<p>Q4.4. Do the victims have any other rights concerning the transfer (in the state you are describing, as issuing or executing state)? Please specify.</p>	<p>Other than the right to information and protection in case of release, described under Q.4.1 above, no other rights are foreseen for victims concerning the transfer of suspects/sentenced persons.</p>	<p>Other than the right to information and protection in case of release, described under Q.4.1 above, no other rights are foreseen for victims concerning the transfer of suspects/sentenced persons.</p>	<p>This directive has not been transposed.</p>
<p>Q4.5. Do the victims have access to translators/interpreter in order to be kept fully informed of the transfer (in the state you are describing, as issuing or executing state)?</p>	<p>There is no right to free translation or interpretation to be provided to victims by the competent authorities.</p>	<p>There is no right to free translation or interpretation to be provided to victims by the competent authorities.</p>	<p>This directive has not been transposed.</p>
<p>Q4.6. Do the victims have the right to be informed of the suspect/sentenced person's release (in the state you are describing, as issuing or executing state)?</p>	<p>Victims have the right to be informed of the sentenced person's release only in cases of sexual abuse or sexual exploitation of children and in cases of human trafficking and provided the police believes the victim to be at risk.¹²⁵</p>	<p>Victims have the right to be informed of the sentenced person's release only in cases of sexual abuse or sexual exploitation of children and in cases of human trafficking and provided the police believes the victim to be at risk.¹²⁶</p>	<p>This directive has not been transposed.</p>

¹²⁵ Cyprus, Law on the prevention and combating of sexual abuse and sexual exploitation of children and child pornography (*Ο περί της Πρόληψης και της Καταπολέμησης της Σεξουαλικής Κακοποίησης, της Σεξουαλικής Εκμετάλλευσης Παιδιών και της Παιδικής Πορνογραφίας Νόμος του 2014*) N. 91(I)/2014, Article 36(2). Available at www.cylaw.org/nomoi/enop/ind/2014_1_91/section-scd64b343e-b01b-7c23-40aa-0176c0990714.html; Cyprus, Law revising the legal framework regulating the prevention, combating of trafficking and exploitation of persons and protection of victims (*Νόμος που αναθεωρεί το νομικό πλαίσιο που διέπει την πρόληψη και την καταπολέμηση της εμπορίας προσώπων και την προστασία των θυμάτων*) N.60(I)/2014, 15 April 2014, Article 32(2). Available at www.cylaw.org/nomoi/arith/2014_1_60.pdf#page=1&zoom=auto,-82,842

¹²⁶ Cyprus, Law on the prevention and combating of sexual abuse and sexual exploitation of children and child pornography (*Ο περί της Πρόληψης και της Καταπολέμησης της Σεξουαλικής Κακοποίησης, της Σεξουαλικής Εκμετάλλευσης Παιδιών και της Παιδικής Πορνογραφίας Νόμος του 2014*) N. 91(I)/2014, article 36(2). Available at www.cylaw.org/nomoi/enop/ind/2014_1_91/section-scd64b343e-b01b-7c23-40aa-0176c0990714.html; Cyprus, Law revising the legal framework regulating the prevention, combating of trafficking and exploitation of persons and protection of victims (*Νόμος που αναθεωρεί το νομικό πλαίσιο που διέπει την πρόληψη και την καταπολέμηση της εμπορίας προσώπων και την προστασία των θυμάτων*) N.60(I)/2014, 15 April 2014, Article 32(2). Available at www.cylaw.org/nomoi/arith/2014_1_60.pdf#page=1&zoom=auto,-82,842