

An update on developments regarding civic space in the EU and an overview of the possibilities for human rights defenders to enter EU territory

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1. Civic space developments in 2022

1.1. Administrative bottlenecks leading to freezing of assets by banks

Area	Safe space and protection; freedom of association; participation and cooperation with authorities; financing framework; access to justice
Topic	Administrative harassment; freezing of assets; Formation and registration of associations, too strict legal requirements; funding landscape.
Impact	Major

In September 2021 the Ministry of the Interior asked all non-profit legal entities to submit information about their beneficial owners by completing a form and sending it to the registrar, which is the district administration of the district where the legal entity has its registered office. This created a large volume of paperwork at the district administrations that led to bottlenecks and delays. In 2022, the Interior Minister instructed district administrations, purportedly in pursuance of the effective implementation of the money laundering directive,¹ to refrain from issuing corporate documents to NGOs unless their list of beneficial owners had been updated. For the purpose of checking the NGOs' compliance with the Directive, the files were transferred from the district administration to the law firm and thereafter to the accounting firm appointed for this purpose. Meanwhile, the Ministry of the Interior commenced the process of digitalisation of the NGOs' files and instructed the transfer of these files from the accounting firm to the Ministry of the Interior. This process means that the files were missing from the district administration for more than six months, during which the NGOs had no access to corporate documents, needed in order to apply for funding and

¹ Cyprus, Laws on the prevention of legalisation of proceeds from illegal activities 2007-3032, Directive on the Prevention and Combating of Money Laundering (Register of Beneficiaries of Associations, Foundations, Federations or Associations, Charitable Foundations and Non-Governmental Organisations with legal personality in another state) [*Οδηγία για την Παρεμπόδιση και Καταπολέμηση της Νομιμοποίησης Εσόδων από Παράνομες Δραστηριότητες (Μητρώο Πραγματικών Δικαιούχων Σωματείων, Ιδρυμάτων, Ομοσπονδιών ή Ενώσεων, Αγαθοεργών Ιδρυμάτων και μη κυβερνητικών Οργανισμών με νομική προσωπικότητα σε άλλο κράτος)*]

to update their data as per the requirements of their bankers. The general climate of mistrust against NGOs led to a tense situation with the banks, who suspend accounts, block funds and in some cases even close accounts of NGOs with little or no notice. The Central Bank of Cyprus continues to consider all non-profit entities as high risk, despite the fact that the anti-money laundering EU Directive requires measures to be steps proportionate to the nature and size of the entities, vertical and only for those entities found to be high risk. The freezing of the assets of NGOs by banks became a regular phenomenon in 2022, leading to insecurities and inability to plan the next day. In 2022, some national banks introduced a fee for the regular, compulsory administrative update of bank accounts of NGOs. Civil Society Advocates and the NGO Support Center led a coalition of NGOs which met with the Association of Banks to discuss the banks' implementation of Central Bank and FATF Recommendations for NGOs and the disproportionate administrative and financial burden on NGOs but no commitment was made by the banks to address these.²

1.2. Restrictions on public consultation/invitations to join multi-thematic groups

Area	Participation and cooperation with authorities
Topic	Civil dialogue (dialogue/cooperation between authorities and civil society organisations); Public participation (citizen participation); Access to consultations / participation in decision-making
Impact	Unknown yet

In 2022 the Ministry of Interior started publishing invitations to participate in in multi-thematic advisory or coordination groups, which introduced new restrictions. The invitations bore the following characteristics:

- Only NGOs registered under the Societies and Foundations Act 1972 are eligible to respond to the invitation; this excludes groups which are registered as non-

² FRANET contractor consultation with [Civil Society Advocates](#) and the [NGO Support Center](#), 10 January 2022.

profit companies, some of whom were forced to register as companies after they were forcefully liquidated by the Ministry of the Interior in 2021 for minor administrative reasons.

- NGOs interested to participate had to submit within a month a Declaration of Interest to participate, alongside with the statutes of the organisation, an audited financial statement for the previous financial year, contact details of the NGO, legal status, date and registration number, certified copies of the relevant documents, reasons for applying, a description of the activity of the NGO for at least the last two years, the background, aims and objectives of the NGO, the persons who will be working on the issue, their qualifications and experience enclosing documents proving such qualifications and experience, a clean criminal record and, in the case of non-Cypriots, a copy of a valid certificate of registration if an EU citizen, or a residence permit if a third country national.
- The Minister of the Interior will appoint three or four NGOs to participate in the multi-thematic coordination group, without describing the criteria on which the decision will be premised.³

The announcements invited interested NGOs to submit their expression of interest within 3-4 weeks. No remuneration is foreseen for the participation of NGOs in these groups, nor is any funding available for the operational expenses of NGOs. Cyprus lacks a legal or policy framework for public consultation and the practice followed is the mere ticking of a box rather than meaningful participation. Stakeholders also report short deadlines to respond, lack of transparency on who is approved to participate and on why the participant CSOs' comments are ignored. This is however the first time that non-profit companies are specifically and explicitly excluded, raising questions relating to the forced dissolutions of NGOs in 2020-2021, some of whom registered as non-profit companies following their dissolution. One such organisation is the migrant support group [KISA](#) who, under the new Interior Ministry policy, is excluded from participation.⁴

³ Cyprus, Ministry of the Interior (2022), ['Δήλωση Ενδιαφέροντος ΜΚΟ για Συμμετοχή στην Πολυθεματική Συντονιστική Ομάδα για την αντιμετώπιση της εμπορίας και της εκμετάλλευσης προσώπων'](#), Press release, 23 October 2022; Ministry of the Interior (2022), ['Δήλωση Ενδιαφέροντος Μη Κυβερνητικών Οργανισμών για Συμμετοχή στη Συμβουλευτική Έπιτροπή για την Ένταξη των Μεταναστών'](#), 30 May 2022.

⁴ FRANET contractor consultation with [Civil Society Advocates](#), 10 January 2022.

1.3. Protesters who had participated in a street march during COVID-19 measures are charged with riot

Area	Freedom of peaceful assembly, Access to justice
Topic	Participation to assemblies, Policing practices, Malicious prosecution, Lack of independence of public officers involved.
Impact	Major

In February 2021, formal and informal groups staged an anti-corruption protest march against the total ban on street protests, imposed by the government in the context of the measures to contain the pandemic COVID-19. The march was marked by excessive use of force by the police, recorded in audio-visual material.⁵ Several protesters filed complaints to the Independent Authority for Examining Complaints against the Police (IAECAP), which issued its decision in July 2021 but refused to publicise it or give a copy to the complainants; the justification given to the protesters was that the report was the result of an ex officio investigation⁶ and not pursuant to their complaints and in this context the protesters were treated as mere eye-witnesses. In March 2022, the police charged 11 protesters with the offences of riot, of continuing to riot after the police asked the demonstrators to disperse and for violating the COVID-19 measures; some of the 11 persons were additionally charged with attacking a police officer.⁷ In May 2022 a member of parliament who had participated in the 2021 protest asked the Attorney General to publicise the findings of the IAECAP, adding that she was herself a witness of police brutality on that day and had reasons to doubt the credibility of the charges

⁵ Amnesty International (2021), '[Cyprus: Serious allegations of police abuse must be investigated and blanket ban on assemblies lifted](#)', 24 February 2021.

⁶ Cyprus, The Police (Independent Allegations and Complaints Investigation Authority) Act of 2006 [[Ο περί Αστυνομίας \(Ανεξάρτητη Αρχή Διερεύνησης Ισχυρισμών και Παραπόνων\) Νόμος του 2006 \(9\(I\)/2006\)](#) N. 9(I)/2006, articles 5(1) and 5(3).

⁷ Telephone consultation of FRANET contractor with the lawyer of the accused persons, 10 January 2023.

brought upon the 11 persons.⁸ The Attorney General declined the MP's request; the findings of the IAECAP remain undisclosed and cannot be used in Court in the defence of the 11 persons charged, despite the fact that the law regulating the operation of the IAECAP stipulates that the result of the investigation must be provided to the complainant.⁹ For the purposes of conducting investigations, IAECAP appoints criminal investigators who, in many cases, are former police officers; in 2022 allegations surfaced in the public sphere about police interference into the work of the IAECAP, cover-ups and selective ex officio investigations.¹⁰ The Attorney General is appointed by the President of the Republic and has sole and unfettered discretion to launch or interrupt all criminal proceedings.¹¹

⁸ Politis (2022), ['Ζητούν το πόρισμα της ΑΑΔΙΠΑ για τη διαμαρτυρία των «Ως Δαμέ» - Επιστολή Ατταλίδου προς Γενικό Εισαγγελέα'](#), 16 December 2022.

⁹ Cyprus, The Police (Independent Allegations and Complaints Investigation Authority) Act 2006 (9(I)/2006) [[Ο περί Αστυνομίας \(Ανεξάρτητη Αρχή Διερεύνησης Ισχυρισμών και Παραπόνων\) Νόμος του 2006 \(9\(I\)/2006\)](#)], article 16(4).

¹⁰ Reporter (2022), ['Ζητά παραίτηση του μέλους της ΑΑΔΙΠΑ στο βίντεο ο Λοϊζίδης-Προαναγγέλλει καταγγελία σε ΕΕ'](#), 29 September 2022.

¹¹ Cyprus, The Constitution of the Republic of Cyprus ([Το Σύνταγμα της Κυπριακής Δημοκρατίας](#)), articles 112-113.

2. Promising practice in 2022

2.1. Mapping of CSOs characteristics and needs

1. Mapping CSOs

In February 2022, the organisation NGO Support Centre¹² which is dedicated to supporting civil society, launched a survey for mapping the needs and challenges of CSOs in Cyprus, aiming at collecting representative data which would highlight the best ways to support the organisations and to maximise their social impact. The survey found that was directed at CSOs established and active in Cyprus. The survey found 40.9% of CSOs work with only volunteers, 21.2% employ two persons, 24.2% employ up to five persons, and only 10.6 employ up to 25 persons, whilst 4.5% employ more than 25 persons. The annual turnover of 60.6% of the CSOs is up to €50,000 and only 4.5% had a turnover over €500,000; 97% reported that small CSOs are facing increasing difficulties in securing funding and 72% reported access to funding as their main problem.¹³ Stakeholders reported that there is no source of funding for operational expenses and that state funding for CSOs is piecemeal, irregular and concerns special timed projects, rendering CSOs clients of the state and dependent on it, thus restricting their possibilities to criticise the government.¹⁴

2. National Strategy for Active Citizenship and Participatory Governance 2023-2030

In September 2022, following a decision of the Council of Ministers,¹⁵ the Citizens Commissioner launched a strategy aiming to strengthen participatory and consultative democracy and to promote active civic participation, through a comprehensive policy framework which sets objectives and structured actions for cross-sectoral cooperation

¹² For more details on this organisation please visit their website [here](#).

¹³ NGO Support Center (2022), '[Mapping the needs and challenges of civil society organisations in Cyprus](#)', March 2022

¹⁴ FRANET contractor consultation with [Civil Society Advocates](#), 10 January 2022.

¹⁵ Cyprus, Council of Ministers, '[Εθνική Στρατηγική για την Ενεργό Πολιτότητα και τη Συμμετοχική Διακυβέρνηση](#)', Decision No. 92.576, 9 February 2022.

in order to activate citizen participation in policy and decision-making processes.¹⁶ The strategy aims at promoting an open and participatory governance, access to Information, involvement of citizens in the public process, the creating of a favourable and enabling environment for CSOs and a culture of appreciation towards the role of civil society. The text of the national strategy was not made public but was subjected for restricted consultation to selected CSOs. It is expected to be finalised in 2023.

¹⁶ Cyprus, Citizens Commissioner (2022), [‘Εθνική Στρατηγική για την Ενεργό Πολιτότητα και τη Συμμετοχική Διακυβέρνηση Στόχος: η Ενίσχυση της Συμμετοχικής Δημοκρατίας’](#), 30 September 2022.

3. Visa for human rights defenders

3.1. Entry and stay for human rights defenders (HRDs) at risk

Dedicated visa scheme for HRDs at risk available in your country	No
Other type of visa or alternative legal entitlement or derogation clause applied to HRDs	No

The Ministry of the Interior clarified that there is no visa scheme for the category of human rights defenders, who fall within the scope of the Aliens and Immigration Law, like all other third country nationals.¹⁷ The Alien and Immigration Law provides that no person has an absolute right to enter the territory of the Republic and that the state retains absolute discretion as to who can enter the country. There is a provision for a visa to be issued at the border but this remains discretionary.¹⁸ Persons with a well found claim of persecution in their countries may apply for asylum and undergo the procedures foreseen in the asylum system. No special treatment is foreseen for this category of third country nationals. UNHCR reported that there are cases of persons fleeing their countries because of persecution relating to their human rights work, more recently from Afghanistan, but no special reception conditions or visas are foreseen for them.¹⁹

¹⁷ Letter to FRANET contractor from the Ministry of the Interior, dated 30 December 2022.

¹⁸ Cyprus, Aliens and Immigration Law Cap 105 ([Ο περί Αλλοδαπών και Μεταναστεύσεως Νόμος ΚΕΦ.105](#)), articles 6, 9A and 10.

¹⁹ Telephone consultation with UNHCR, 9 January 2023.