



Group of States against Corruption  
Groupe d'États contre la corruption



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## FOURTH EVALUATION ROUND

Corruption prevention in respect of members of  
parliament, judges and prosecutors

### COMPLIANCE REPORT CYPRUS

Adopted by GRECO at its 80<sup>th</sup> Plenary Meeting  
(Strasbourg, 18-22 June 2017)

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## **I. INTRODUCTION**

1. The Compliance Report assesses the measures taken by the authorities of Cyprus to implement the recommendations issued in the Fourth Round Evaluation Report on Cyprus, which was adopted at GRECO's 72<sup>nd</sup> Plenary Meeting (1 July 2016) and made public on 27 July 2016, following authorisation by Cyprus ([Greco\\_Eval4\\_Rep\(2016\)7\\_E](#)). GRECO's Fourth Evaluation Round deals with "Corruption prevention in respect of members of parliament, judges and prosecutors".
2. As required by GRECO's Rules of Procedure, the authorities of Cyprus submitted a Situation Report on measures taken to implement the recommendations. This report was received on 14 February 2018 and served, together with the information submitted subsequently, as a basis for the Compliance Report.
3. GRECO selected Greece and Serbia to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed were Mr Dimosthenis STINGAS, on behalf of Greece, and Ms Katarina NIKOLIĆ, on behalf of Serbia. They were assisted by GRECO's Secretariat in drawing up the Compliance Report.
4. The Compliance Report assesses the implementation of each individual recommendation contained in the Evaluation Report and establishes an overall appraisal of the level of the member's compliance with these recommendations. The implementation of any outstanding recommendation (partially or not implemented) will be assessed on the basis of a further Situation Report to be submitted by the authorities 18 months after the adoption of the present Compliance Report.

## **II. ANALYSIS**

5. GRECO addressed 16 recommendations to Cyprus in its Evaluation Report. Compliance with these recommendations is dealt with below.

*Corruption prevention in respect of members of parliament*

### **Recommendation i.**

6. *GRECO recommended that all forms of remuneration and benefits received (from public and private sources) by members of parliament be subject to clear rules, adequate auditing and public transparency.*
7. *The authorities reiterate that by virtue of section 5 of the President, the Vice-President, the Ministers and the Members of the House of Representatives (Remuneration) Law, as amended in 2012, there is a clear stipulation that the remuneration of MPs comprises of the following:*
  - (i) Annual emoluments of CYP 12 000 (around EUR 20 500), adjusted as a consequence of the variation of the inflation index and the annual percentage of increase of salary and wages of employees, according to the official data of the Statistical and Research Service, and (ii) Amount equal to 1/12 of the annual emoluments provided for under paragraph (i), to be paid at the end of each year.
  - An annual representation allowance of CYP 12 000 (around EUR 20 500);
  - Annual flat rate allowance of CYP 7 200 (around EUR 12 300) for secretarial services.

8. In addition, for reasons of transparency, any payments to MPs from state funds are published on the website of the Accountant-General of the Republic.
9. At the same time, the authorities underline that, for reasons of better accounting practice and adequate auditing, there are continuing deliberations on the introduction of a new system of remuneration for MPs, which would incorporate all receivables into the annual emoluments.
10. Furthermore, in relation to remuneration received from private sources, the authorities point out that MPs are allowed to practice their profession, within the constraints of the Constitution and the Law on the Incompatibility in Exercising the Duties of Certain Officials of the Republic and Specific Profession and Other Relevant Activities (Law 7(I)/2008) and are held accountable for their income like any other citizen. Moreover, they have an obligation to submit a declaration of assets, which now has to be published in accordance with the Law on the Declaration of Assets and Audits of Property of the President the Ministers and the Members of Parliament (Law 49(I)/2004, section 8, as amended by Law No. 68/2017).
11. GRECO takes notes of the information provided by the authorities. GRECO infers from the above that the reform engaged at the time of the Evaluation Report to simplify and clarify the income received by MPs and replace the different allowances by a flat salary rate, which the report had welcomed, has yet to be completed.
12. GRECO also notes that what is described as the sum of the annual emoluments (EUR 20 500 per year) appears different from what is described in the Evaluation Report as MPs' basic income (EUR 3 640 per month, i.e. EUR 43 640 per year), although the end of year emolument and service allowance correspond. This contributes to showing how the current system would benefit from being simplified to ensure that people from outside parliament have a better understanding of what MPs' global income is, as pointed out in the Evaluation Report. A step in the right direction is the publication of asset declarations of MPs, specifying their income (see recommendation vi). When it comes to adequate auditing, GRECO refers to its findings under recommendation vii regarding asset declarations (see below).
13. As for transparency, GRECO welcomes the fact that all payments made to MPs from state funds are published on an official website and that asset declarations covering income received from outside private activities are now also published (see also recommendation vi).
14. In view of the positive steps taken to increase transparency as per the last aspect of the recommendation, GRECO considers that the recommendation is partly complied with. However, it encourages the authorities to finalise the ongoing reform aiming at clarifying the income and various allowances received by MPs and at ensuring adequate, effective auditing or control (see recommendation vii, below).
15. GRECO concludes that recommendation i has been partly implemented.

#### **Recommendation ii.**

16. *GRECO recommended that a code of ethics/conduct for members of parliament - including their staff as appropriate - be adopted, covering various situations of conflicts of interest (e.g. gifts and other advantages, third party contacts, lobbyists, accessory activities, post-employment situations).*

17. The authorities state that the Speaker of the House of Representatives gave instructions to a senior member of the Parliamentary Committee Service in September 2016 for the preparation of a Code of Conduct for Members of Parliament, encompassing, *inter alia*, provisions relating to conflicts of interests, which would be discussed with the MPs. The whole procedure for drafting and adopting the Code of Conduct is expected to be concluded in 2018.
18. GRECO notes the plans of the House of Representatives to adopt a code of conduct for MPs by the end of 2018, which is a step in the right direction, even though the process was initiated some two years ago. Moreover, it is too early to consider this recommendation even partly implemented as there are no tangible results yet.
19. GRECO concludes that recommendation ii has not been implemented.

#### **Recommendation iii.**

20. *GRECO recommended that the preventive measures against conflicts of interest in respect of members of parliament be enhanced in respect of potential conflicts as well as in respect of conflicting interests that may emerge during parliamentary proceedings and that clear rules for the disclosure of such situations be articulated in written form.*
21. The authorities state that steps have been taken to enhance the legal provisions pertaining to potential conflicts of interest amongst MPs by considering a review of the relevant provisions in the Law on the Incompatibility in Exercising the Duties of Certain Officials of the Republic and Specific Profession and Other Relevant Activities (Law 7(I)/2008), in the light of a study from the University of Cyprus on conflicts of interest.
22. Furthermore, the Rules of Procedure of the House of Representatives are in the process of being amended; this process is expected to be concluded in 2018 and will include amendments relating to conflicts of interest. For the time being, parliamentary precedent continues to be followed for the disclosure of personal interests to plenary meetings in the same way as it is applied in committee meetings under Rule 44.
23. GRECO takes note of the information provided by the authorities. It notes that some steps have been taken to reflect on how to enhance preventive measures regarding potential conflicts of interest amongst MPs, by examining the relevant provisions of Law 7(I)/2008 and starting work on amending the Rules of the House of Representatives. While noting these positive developments, GRECO considers that, the final text of the draft amendments not being available at this point in time and therefore the areas covered by the amendments not being known, it cannot consider the recommendation even partly complied with. In addition, GRECO wishes to stress that conflicts of interest should be dealt with in the future code of conduct, which could be a well suited instrument for that purpose (see recommendation ii).
24. GRECO concludes that recommendation iii has not been implemented.

#### **Recommendation iv.**

25. *GRECO recommended i) that consistent rules be elaborated concerning the acceptance by members of parliament of gifts, hospitality and other benefits including special support provided for parliamentary work, and ii) that internal procedures for the valuation and reporting of gifts, and return of those that are unacceptable, be developed.*

26. The authorities refer to the information provided in connection with recommendation ii, in that the House of Representatives is planning to adopt a Code of Ethics for MPs in the course of 2018.
27. GRECO notes the above but, as found under recommendation ii, considers it too early for this recommendation to be partly implemented in the absence of any finalised draft text.
28. GRECO concludes that recommendation iv has not been implemented.

#### **Recommendation v.**

29. *GRECO recommended i) that a detailed assessment be carried out in respect of various forms of potential third party impact (including lobbying); and ii) that rules be introduced for members of parliament on interaction with third parties that may seek to influence the parliamentary process.*
30. The authorities state that the House of Representatives has just assigned to the University of Nicosia the undertaking of a study on the existence of lobbying in Cyprus and the extent of lobbyists' access to the House, so as to ensure an objective evaluation of the current situation. In parallel, the Ministry of Justice has prepared a bill regulating lobbying, which has undergone public consultation and is to be forwarded to the Law Office of the Republic for legal vetting.
31. GRECO takes note of the above. It notes that an assessment of the extent of lobbyists' access to the House of Representatives has recently been entrusted to the University of Nicosia. It further notes that the Ministry of Justice has prepared a bill on regulating lobbying. Whilst promising developments, it appears too soon to consider the recommendation partly implemented as the assessment of the situation of lobbying in the House of Representatives has only just been assigned and the content of the bill regulating lobbying could not be examined yet.
32. GRECO concludes that recommendation v has not been implemented.

#### **Recommendation vi.**

33. *GRECO recommended that the existing regime of asset declarations be further developed i) by ensuring that all forms of assets, income and liabilities above a certain threshold be declared at their appropriate value; ii) that the declarations be made publicly available promptly after their submission to the appropriate supervisory body; and iii) by considering widening the scope of the declarations to also include information on spouses and dependent family members (it being understood that such information would not necessarily need to be made public).*
34. The authorities refer to Article 15 of the Constitution of the Republic, as amended in 2016, in order to ensure the adoption of stricter legal provisions as to the declaration of assets. Following a decision of the Supreme Court, acting as a Constitutional Court, on a reference by the President of the Republic under Article 140 of the Constitution, the relevant Law on the Declaration of Assets and Audits of Property of the President, the Ministers and the Members of Parliament (Law 49(I)/2004), was amended by Law 53(I)/2017, providing, *inter alia*, the following:

- The assets, income and liabilities of the spouse of the person submitting the declaration are part of the declaration of that person. It should be noted that the information of underage children of Members of Parliament was already included in the declaration prior to the amendment of the law;

- The parts of the declaration pertaining to Members of Parliament are published in full for the first time, although, following the Court's decision, the parts pertaining to spouses and underage children should not be published.

35. GRECO takes note of the information provided by the authorities. As regards the first part of recommendation vi, GRECO refers to the Evaluation Report which noted that assets, as detailed in the law, do not appear to include any form of movable property as these have been limited in the text to vehicles, shares, debentures and other such forms of securities. Moreover, while it follows from the law that the value of immovable property and vehicles is to be included, the Evaluation Report found it less clear whether the value of other types of property is required (see Evaluation Report, para. 73). The text of the law has not been modified regarding these matters and, as a result, GRECO cannot consider this aspect of recommendation vi as dealt with.
36. As to the second part of recommendation vi, GRECO welcomes the fact that MPs' asset declarations are now to be made public, in line with this recommendation and the practice of a large number of GRECO member states.
37. Regarding the third part of recommendation vi, GRECO welcomes the inclusion of spouses of MPs to their asset declarations, in addition to their underage children, which is consistent with GRECO practice. However, the recommendation asked to consider expanding declarations to dependent family members, a broader notion than underage children or spouse, and it has not been established whether this had been the case.
38. GRECO concludes that recommendation vi has been partly implemented.

### **Recommendation vii.**

39. *GRECO recommended that the current mechanism for monitoring declarations of assets submitted by members of parliament be subject to an in-depth evaluation with a view to establishing an independent and effective mechanism for such monitoring.*
40. The authorities refer to the Law on the Declaration of Assets and Audits of Property of the President, the Ministers and the Members of Parliament (Law 49(I)/2004), as amended by Law 53(I)/2017, which provides that the Special House Committee on Declaration and Examination of Financial Interests may refer the accounting and financial audit of the declarations to a professional auditor, who is licensed as a professional under the laws of the Republic and who is chosen from a list prepared by unanimous decision of the Speaker of the House, the Minister of Finance and the Auditor General.
41. Taking note of the information provided by the authorities, GRECO notes the possibility for the Special House Committee on Declaration and Examination of Financial Interests of referring the accounting and financial audit of the declarations to an accredited auditor. GRECO considers this development as positive, although there is some uncertainty about the effectiveness of the mechanism taken as a whole and, for instance, how often these external audits will be carried out, what follow-up is to be given by the Special House Committee to these audits (especially with asset declarations being triennial) and therefore how it could lead to sanctions (at the time of the evaluation report, no breaches had ever been established and no sanctions against MPs in this respect). GRECO cannot consider that recommendation vii has been fully implemented as there is no mention of an in-depth evaluation that would aim at setting up a mechanism that would be both

independent and effective. Therefore, recommendation vii has only been partly fulfilled.

42. **GRECO concludes that recommendation vi has been partly implemented.**

#### **Recommendation viii.**

43. *GRECO recommended that the parliamentary authorities develop an integrity policy to prevent conflicts of interest and risks of similar deficiencies in respect of members of parliament through i) awareness raising on an institutional level, ii) in the form of handbooks and regular training and iii) on an individual basis, in the form of a dedicated service providing confidential counselling.*
44. The authorities indicate that during the new session of the House of Representatives, in September 2018, a seminar/round table is planned, where MPs and interested citizens will discuss pertinent laws, the review of the Rules of Procedure of the House and the Code of Conduct.
45. Furthermore, the Legal Service of the House of Representatives, which is currently being set up and is expected to be fully staffed in early 2019, will be responsible for providing confidential counselling to MPs, as provided for in the directions of the Speaker and in the pertinent internal circular regulating such matters.
46. GRECO takes note of the information provided by the authorities. GRECO notes the plans to organise an event on laws having a bearing on the integrity of MPs, the review of the Rules of Procedure of the House of Representatives and the future Code of Conduct. This initiative will be a positive step but would need to be followed up by other regular awareness-raising events focusing on MPs. Moreover, the recommendation also calls for handbooks to be prepared and regular training to take place, on which no information has been provided.
47. MPs are to have access to confidential counselling with the Legal Service of the House of Representatives, which would respond adequately to the third part of the recommendation. However, the said Legal Service will only be operational in 2019 and, as a consequence, this part of the recommendation cannot be considered as fully implemented for the time being.
48. **GRECO concludes that recommendation viii has been partly implemented.**

#### *Corruption prevention in respect of judges*

#### **Recommendation ix.**

49. *GRECO recommended that the composition of the Supreme Council of Judicature be subject to a reflection process considering its representation within the judiciary as a means of preventing potential or perceived situations of conflicts of interest within the Council.*
50. The authorities indicate that the Supreme Court has examined the above recommendation and is of the opinion that the purpose of the Supreme Council of Judicature is best served by continuing to be composed solely of judges only in order to safeguard and maintain judicial independence.
51. The authorities reiterate that judicial appointments are made only on merit, by the Supreme Council of Judicature (the Supreme Court), after conducting two rounds of interviews and taking into account the reports of the Presidents of District Courts incorporating the opinions of all Judges of their Court. To this end, the Supreme

Court takes note of and follows Opinion No. 10 of 2007 of the Consultative Council of European Judges (CCJE) on "Council for the Judiciary in the Service of Society", which takes cognisance of and accepts the fact of having judicial councils composed exclusively of judges. The authorities underline that there has been no case of corruption involving judges.

52. At the same time, the authorities add that the Supreme Court is seriously considering the possibility of suggesting to parliament a change in Law No. 33/64 to the effect that judges of lower courts are included in the composition of the Supreme Council of Judicature, at least in cases of appointment of judges.
53. GRECO takes note of the information provided by the authorities. The Evaluation Report had noted that the Supreme Council of the Judicature was composed exclusively of the 12 justices of the Supreme Court and its President. It had further considered that the composition of the Supreme Council of Judicature represented a commendable degree of independence from the executive and legislative powers, but that it would benefit from a broader representation of the judiciary, including judges from lower courts, in line with the standards of the CCJE which, *inter alia*, takes the view that judicial councils – when consisting only of judges – ought to be elected by their peers following methods guaranteeing wide representation of the judiciary at all levels, in order to avoid the perception of self-interest, self-protection and cronyism.
54. GRECO notes that consideration has been given to its recommendation on the composition of the Supreme Council of Judicature. While it regrets that no changes have been made to its composition to reflect the different levels of the judiciary, GRECO welcomes the fact that further consideration is being given to enlarging this body to first instance judges in the future for exercising certain functions, such as the appointment of judges. The aim of the recommendation was that the composition of the Supreme Council of the Judicature be the subject of a reflection process, and it would appear that this process has not been completed yet. As part of it, GRECO urges the authorities to further consider the possibility of bringing in judges from various levels in the work of the Supreme Council of the Judicature. Therefore, the recommendation has only been partly complied with for the time being.
55. GRECO concludes that recommendation ix has been partly implemented.

#### **Recommendation x.**

56. *GRECO recommended that the integrity requirement for appointment as a judge be guided by precise and objective criteria which are to be checked before appointment/promotion, and that such criteria be made available to the public.*
57. The authorities stress that judges are appointed and promoted upon merit, qualifications and seniority. Moreover, the appointment and promotion of judges, is stipulated in the Courts of Justice Law (Law 14/60, as amended) and is further interpreted by case law whereby only persons of impeccable ethos and character and of high professional capability can be appointed as judges from the ranks of practicing advocates. They add that these criteria, set out in law and case law, are easily accessible to the public.
58. The authorities underline that, following the Anglo-Saxon judicial tradition, the appointment of judges is based on the general image of a candidate as a practising advocate. They further argue that the appointment of judges cannot be equated to that of civil servants, and that wider discretion is required. Notwithstanding this and the fact that there has been no case of corruption amongst judges, the Supreme

Court is seriously considering the codification of certain transparent, objective criteria for the appointment and promotion of judges so that these matters be regulated by the Supreme Council of Judicature in a more detailed way. In addition, the Supreme Council of Judicature will proceed to the necessary changes to ensure that detailed records of appointment and promotion proceedings are kept. These will be available to all interested parties.

59. GRECO takes note of the information provided by the authorities. The Evaluation Report had noted that one of the criteria was "high moral standard" and, although further defined in case law, it was considered that more guidance would be helpful in the form of concrete criteria, background and integrity checks to be made, in order to make it an efficient tool to prevent recruitment of unsuitable candidates.
60. GRECO notes that there is case law of the Supreme Court on the notion of "high moral standards" and suggests that an analysis of this case law could naturally form the basis of any future consolidated criteria. Formulating objective, specific requirements, notably pertaining to integrity, and hence clarifying what is assessed, in a publicly available document would contribute to the transparency of appointment and promotion procedures, as appear to be done in several countries with a similar judicial tradition. GRECO therefore notes with interest that consideration is being given to laying down such requirements and it encourages this initiative, which would go in the direction of the recommendation. Finally, GRECO notes that the Supreme Council of Judicature will make changes to ensure that records of appointment and promotions procedures are kept and made available to interested parties. Overall, given these ongoing developments towards more transparency around the procedure of appointment and promotion of judges, GRECO considers that the requirements of the recommendation have been partly met.

61. GRECO concludes that recommendation x has been partly implemented.

#### **Recommendation xi.**

62. *GRECO recommended that a code of ethics/conduct be elaborated on the basis of broad involvement of various members of the judiciary, in order to manifest and develop standards that are commonly agreed aimed at the particular functions of judges, offering guidance in respect of areas such as conflicts of interest and other integrity related matters (e.g. gifts, side activities, recusal, third party contacts, handling of confidential information).*
63. The authorities state that dismissal and termination of the office of a judge may be ordered in case of "misconduct" as provided for in the Constitution. Misconduct has been developed in the case law as meaning serious misbehaviour both in the exercise of judicial duties and generally. The authorities add that the Supreme Court, having considered the case-law of the European Court of Human Rights, as well as the recommendations of the Venice Commission and of the CCJE, has decided to suggest changes in order to strengthen further the soundness of the proceedings. With these changes, judges from all levels will be involved at every stage so that the persons who decide *prima facie* on the need for disciplinary proceedings do not participate further in the process, while the charges will be drafted by another judge who will conduct the "prosecution" before a panel of the Supreme Council of Judicature. A right of appeal will be available before a different panel.
64. The authorities indicate that the Bangalore Principles of Judicial Conduct have been reflected in the Supreme Court's case law, which is legally binding. They add that legislation and case law guide judges in their judicial conduct and there has been

only one case of dismissal on grounds of judicial misconduct. Nevertheless, the Supreme Court is seriously considering the creation of a written code of conduct, embedding all the above areas, on the basis of the Bangalore Principles of Judicial Conduct. The authorities add that, in compliance with recent case law of the European Court of Human Rights, the Supreme Court has issued a Practice Direction broadening the exemption of judges when advocates related to judges appear before them.

65. GRECO notes that binding integrity standards exist in law and case law, as was acknowledged in the Evaluation Report, and the fact that the Supreme Court has started reflecting on a code of conduct. The drafting of this code is to involve judges from different court levels. This will be part of a broader reform of the judiciary that is to be carried out. GRECO considers that this is a promising first step but that, given that the preparation of such a code of conduct has not started, it cannot consider this recommendation even partly implemented at this early stage.
66. GRECO concludes that recommendation xi has not been implemented.

### **Recommendation xii.**

67. *GRECO recommended that dedicated training of judges in respect of judicial ethics, conflicts of interest and corruption prevention be introduced as a well-defined part of the induction training of newly recruited judges and provided at regular intervals in the form of dedicated in-service training of judges, based on existing provisions and practice as well as yet to be established ethical guidelines and European standards.*
68. The authorities state that that as from 1 January 2017 the Supreme Court has created the Office of Reform and Judicial Training. It is headed by a former Justice of the Supreme Court and divided into two offices, one dealing with reform and the other with training. The Judicial Training Office is staffed with a Secretary, an Administrative Clerk and two positions of legal officers should be filled in 2018. This Office is responsible for the permanent training of judges on all issues including ethics, conflict of interest and corruption. Furthermore, newly appointed judges undergo an intensive training course of about ten days, before assuming their duties, under the supervision of Justices of the Supreme Court.
69. The Judicial Training Office (JTO) started operating at the end of 2017. Before that, the Judicial Training School (JTS) had been established in 2016. While no specific training on ethics and integrity was organised directly by the JTS, the authorities indicate that many judges attend courses organised by the European Judicial Training Network (EJTN). This included a workshop on ethics in and outside court, which took place in Cyprus in 2016. The authorities add that the Supreme Court is currently planning a compulsory two-day judge-craft course, which will deal with ethics and integrity through real case studies. A call for expression of interest was made amongst judges to become trainers. A course by the Chief Trainer of the Judicial College of England and Wales was organised for future trainers and seven judges are to follow a second training. The authorities finally add that, once the JTO is fully staffed, ethics and integrity should be incorporated into its training programmes, as part of both initial and in-service compulsory training.
70. GRECO takes notes of the information provided by the authorities. It notes the setting up of the Judicial Training Office by the Supreme Court to deal with training for judges, including on ethics and integrity matters. Its full activity has been hampered by the fact it is currently not fully staffed, although this should be the case in the course of 2018. GRECO notes that there are concrete plans to hold a

compulsory course for all judges in 2018, which will deal with ethics and integrity. The aim is to mainstream ethics and integrity into all training programmes to be provided by the JTO. GRECO considers that these are positive developments, which are praiseworthy. While judges may have had the opportunity to attend international training courses, a more systematic approach through compulsory initial and in-service training by the JTO, as appeared to be envisaged, would be a significant step forward. Given these promising developments, which however are yet to fully materialise, this recommendation can be considered partly implemented.

71. **GRECO concludes that recommendation xii has been partly implemented.**

*Corruption prevention in respect of prosecutors*

**Recommendation xiii.**

72. *GRECO recommended that reform considerations concerning the Law Office of the Republic include means to strengthen the independence of the prosecutorial functions and the capacity of the individual law officers and prosecutors to conduct their duties in a more autonomous way, guided by the safeguards necessary under the rule of law.*
73. The authorities state that a bill providing for and safeguarding the independence and autonomy of the Law Office of the Republic, including provisions strengthening the independence of the prosecutorial functions of the individual law officers and prosecutors, has recently been prepared by the Law Office and sent to the executive for consideration with the proposal of forwarding it to the House of Parliament for adoption. The authorities however indicate that the bill has not been forwarded to parliament by the executive yet.
74. GRECO takes note of the information provided by the authorities. The fact that the Law Office has prepared a bill on its independence and autonomy represents a positive step. However, this bill has only been transmitted to the executive and the final draft on how independence and autonomy of the Law Office is to be guaranteed, which will be forwarded to the House of Representatives, is therefore not available yet. Therefore, it is too early to consider this recommendation even partly fulfilled.
75. **GRECO concludes that recommendation xiii has not been implemented.**

**Recommendation xiv.**

76. *GRECO recommended i) that criteria for the distribution of criminal cases among prosecuting staff be introduced; and ii) that decisions and instructions, such as to re-allocate cases within the Law Office or to discontinue criminal cases be justified in writing.*
77. The authorities state there are around 20 law officers dealing with criminal prosecutions before the assize courts. They are assigned to a certain district for one or two years and appear before the assize court of that district. Every time a new case is forwarded to the Law Office for prosecution before an assize court, the law officer who is next on the list of prosecutors of that particular district is appointed by the Attorney General or the Head of the Criminal Law Section to deal with it. Only in very special circumstances, where the case is very complex and special experience in the handling of it is required, the Attorney General or the Head of the Criminal Law Section may decide to allocate the case to a certain prosecutor of a higher rank, irrespectively of the district where the prosecutor is serving. According

to the authorities, considering the small number of law officers and their regular rotation, a random distribution of criminal cases among the prosecutors is guaranteed by this system of allocation of cases. Nevertheless, the authorities state that they will attempt to lay down some criteria in order to meet this part of the Recommendation.

78. As to the re-allocation of cases, the authorities state that the small number of law officers is a parameter that needs to be borne in mind in this area as well. The authorities will however attempt to formulate specific criteria for the re-allocation of cases.
79. Insofar as the discontinuance of a criminal case is concerned, the authorities state that the reasons for such a decision are recorded in the criminal file of the relevant case. Additionally, as per the instructions of the Attorney General of Cyprus, prosecutors should state the reasons of the *nolle prosequi* before the relevant court in which they appear, thus making the said reasons known to the public, the defendant and all interested parties.
80. GRECO takes note of the information provided by the authorities. With regard to the first part of the recommendation, it notes that the system of allocation of criminal cases has a component of randomness, as new cases are allocated as they come to the next prosecutor in line in the district concerned. However, if it is considered that a case is of some complexity, it can be allocated to a prosecutor of a higher rank, irrespective of the district where the said prosecutor is assigned. While GRECO is satisfied that the distribution of cases follows a clear procedure and is mindful of the small number of prosecutors, it maintains that it would be beneficial to lay down criteria as to what cases need to depart from the normal allocation system. It notes that the authorities are considering laying down such criteria. This part of the recommendation has for the time being only been partly fulfilled.
81. As to the second part of the recommendation, GRECO welcomes the fact that reasons behind decisions to discontinue criminal cases are put down in writing and stated orally before the competent court. As to the re-allocation of cases, GRECO notes that the authorities are to consider fixing criteria in this area. At this stage, the second part of the recommendation can only be considered partly complied with.
82. GRECO concludes that recommendation xiv has been partly implemented.

#### **Recommendation xv.**

83. *GRECO recommended that a code of ethics be established for the particular functions of prosecutorial staff, offering adequate guidance on conflicts of interest and other integrity related matters as appropriate (e.g. gifts, recusal, third party contacts, handling of confidential information ) and ii) that it be made accessible to the public.*
84. The authorities state that the Guidelines on Ethics and Conduct for Public Prosecutors have recently been published by the Law Office, encompassing all the issues raised in the recommendation. The Code of Ethics is based, *inter alia*, on the [Budapest Guidelines for Public Prosecutors](#) and the European Convention on Human Rights and has been published on the website of the Law Office in order to make it easily accessible to the public.
85. GRECO welcomes the adoption of the Guidelines on Ethics and Conduct for Public Prosecutors, which cover issues pertaining to conflicts of interest and other integrity

matters as per the recommendation. GRECO notes that they have been published on the Law Office's website, thus making them accessible to the public, which corresponds to the second part of the recommendation. Therefore, the requirements of the recommendation have been met.

86. **GRECO concludes that recommendation xv has been implemented satisfactorily.**

#### **Recommendation xvi.**

87. *GRECO recommended that induction and in-service training programmes, specialised towards the needs of prosecutorial staff in respect of ethics, prevention of corruption etc. be developed by the prosecution service as a complement to the general training applicable to all public officials in Cyprus.*
88. The authorities state that the Criminal section of the Law Office, since September 2017 has been occasionally organising seminars for the training of the prosecutorial staff, including topics on ethics, corruption and discussions on several legal issues regarding the handling of criminal cases before the courts. Moreover, it has been agreed with the Supreme Court that law officers will be able to participate in the training seminars/sessions to be organised by the Judicial Training Office. Underlining the small number of law officers, the authorities indicate that the Law Office has undertaken to hold once a year a one-day course on corruption related matters for law officers. The next seminar is planned for November 2018.
89. GRECO takes note of the information provided by the authorities. It considers that the organisation of some training seminars on ethical and integrity matters is a positive development, and so will be the possibility to attend training organised by the Judicial Training Office. However, training for judges is not necessarily fully adapted to prosecutors, owing to the specificities of each profession which can differ significantly. Noting the small number of law officers, GRECO therefore welcomes the fact that the Law Office has undertaken to organise yearly training on corruption matters for law officers. GRECO trusts that future training will be an opportunity to illustrate the recently published Guidelines on Ethics and Conduct for Public Prosecutors with concrete case studies. Overall, GRECO considers that this recommendation has been complied with.

90. **GRECO concludes that recommendation xvi has been implemented satisfactorily.**

### **III. CONCLUSIONS**

91. **In view of the foregoing, GRECO concludes that Cyprus has implemented satisfactorily two of the sixteen recommendations contained in the Fourth Round Evaluation Report.** Of the remaining recommendations, eight have been partly implemented and six have not been implemented.
92. More specifically, recommendations xv and xvi have been implemented satisfactorily, recommendations i, vi, vii, viii, ix, x, xii and xiv have been partly implemented and recommendations ii, iii, iv, v, xi and xiii have not been implemented.
93. As regards MPs, while tangible progress has yet to be made, a certain number of steps have been initiated that have the potential of meeting several requirements of the recommendations. The movement towards the simplification/clarification of revenues and allowances received by MPs for discharging their office has been engaged, although it would need speeding up as it had already been mentioned at the time of the Evaluation Report. The Speaker of the House of Representatives has given the initial impetus for the drafting of a Code of Conduct for MPs with the aim

of its adoption by the end of 2018. This is a promising development, which however still needs to materialise. Similarly, initial steps have been taken to modify the relevant legislation and the House of Representatives Rules of Procedure with a view to better preventing potential conflicts of interest. Moreover, the process of assigning a report on lobbying has been set in motion. When it comes to asset declarations, it is to be welcomed that they are now publicly available, but more needs to be done to ensure that they are more complete (e.g. including all movable property and the value of all property) and that a fully-fledged, effective monitoring system is in place. The possibility for MPs of obtaining confidential counselling on ethical and integrity matters is to be welcomed, although not yet fully operational, but awareness raising efforts need to be stepped up. Overall, there are a number of promising developments but most concrete results are yet to come.

94. Concerning judges, some progress can be noted. The issue of the composition of the Supreme Council of Judicature, which currently coincides with that of the Supreme Court, has been examined as recommended by the Evaluation Report. However, the reflection process is not over yet. While the decision was taken not to change its composition for the time being, which GRECO regrets, some steps are considered to enlarge its composition to first instance judges for the appointment procedure of judges. Serious consideration is being given by the Supreme Court to laying down objective for the appointment and promotion of judges as well as to adopting a judicial code of ethics; though positive, both still need to materialise. Further efforts are expected to ensure that initial and in-service fully integrate integrity and ethical matters in the curricula rather than ad hoc events being organised. All in all, a number of initiatives go in the right direction to implement the recommendations but need to be followed through for most tangible outcomes to be achieved.
95. As to prosecutors, there has been some progress, although a number of steps need to materialise. GRECO welcomes the adoption of a Code of Ethics for law officers. The Law Office has also prepared a bill providing for and safeguarding the independence and autonomy of the Law Office of the Republic which is currently examined by the government. The allocation of cases appears in general to follow a clear logic but there should be established criteria for exceptional cases that depart from ordinary allocation. GRECO welcomes the fact that grounds for not prosecuting or discontinuing prosecution have to be put in writing, and calls for the same to apply to re-allocation of cases. Finally, concrete efforts have been made regarding training so as to ensure that corruption prevention is an integral component of training of law officers.
96. In view of the above, GRECO notes that further significant material progress is necessary to demonstrate an acceptable level of compliance with the recommendations within the next 18 months. GRECO invites the Head of delegation of Cyprus to submit additional information regarding the implementation of recommendations i to xiv by 31 December 2019.
97. Finally, GRECO invites the authorities of Cyprus to authorise, as soon as possible, the publication of the report, to translate it into the national language and to make this translation public.