

**PROMOTING NON-DISCRIMINATORY ALTERNATIVES TO
IMPRISONMENT ACROSS EUROPE**

**NON-CUSTODIAL SANCTIONS AND MEASURES
IN THE MEMBER STATES OF THE EUROPEAN UNION**

CYPRUS

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Non-custodial sanctions and measures in the Member States of the European Union

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I. LEGAL FRAMEWORK

1 – General framework of the national system of penal sanctions

Cyprus' Constitution underlines in article 12(3), that *“No person shall be held guilty of any offence on account of any act or omission which did not constitute an offence under the law at the time when it was committed; and no person shall have a heavier punishment imposed on him for an offence other than that expressly provided for it by law at the time when it was committed”*.¹

In Cyprus, criminal cases are prosecuted in the first instance either at the District Court or at the Criminal Court. The Criminal Courts have a jurisdiction that includes adjudicating criminal cases at first instance in any case, but usually, only cases where the maximum sentence is more than 5 years are tried by Criminal Courts. In general, the District Court deals with offenses punishable by a maximum of 5 years' imprisonment, though the Attorney General has the right to refer a case that would otherwise be prosecuted by the Criminal Court to the District Court if he considers it fit for a brief trial by the District Court.² Cases that are appealed are heard by the Supreme Court.³

Article 26 of the Criminal Code indicates that a court may impose the following punishments: imprisonment, flogging, whipping, fine, payment of compensation, finding security to keep the peace and of good behavior or to come up for judgment, supervision or in any other punishment or treatment imposed under another law.⁴

It should be noted that since 1983, the death penalty has been abolished in Cyprus for crimes of murder, and since 2002, it has been absolutely replaced with life imprisonment.

Apart from the above provisions of the Criminal Code, Cyprus' legislation provides other alternatives to imprisonment measures, such as probation, custody order,

¹ Constitution of the Republic of Cyprus (Σύνταγμα της Κυπριακής Δημοκρατίας), 16 August 1960, article 12(3). Available at: <http://www.cylaw.org/nomoi/enop/non-ind/syntagma/full.html>.

² Law on Criminal Procedure (Ο Περί Ποινικής Δικονομίας Νόμος) Cap 155, article 155. Available at: http://www.cylaw.org/nomoi/enop/non-ind/0_155/full.html.

³ The Court of Justice Law of 1960 (Ο περί Δικαστηρίων Νόμος του 1960), N.14/1960, articles 20, 23, 24, 25. Available at: http://www.cylaw.org/nomoi/enop/non-ind/1960_1_14/full.html.

⁴ Cyprus, The Criminal Code (Ο Ποινικός Κώδικας) Cap. 154, article 26. Available at: http://www.cylaw.org/nomoi/enop/non-ind/0_154/full.html.

order for conditional or unconditional discharge, community work and conditional release, restraining order, treatment order, electronic monitoring, etc.

The Criminal Code in article 29 notes that *“Except in the case of the crime of premeditated murder and the offenses set forth in Articles 36 and 37, if a criminal offense is punishable by life imprisonment or any other period, the court before which such person is tried, may instead thereof, impose a shorter term of imprisonment. or instead of such a penalty, a fine of an amount not exceeding the amount which such Court is empowered to impose”*.⁵

According to the above provision, the sentence for criminal offenses, except for crimes of premeditated murder, treason and instigating invasion, may consist of either a shorter prison term or a fine instead of imprisonment.

In Cyprus’ Criminal Code, there are general rules as to criminal responsibility. In part one of the Code are listed the reasons that justify removing the imputation to an offender. Generally, ignorance of the law does not excuse an offender's conduct, unless such knowledge is expressed to be an element of the offense.⁶ Furthermore, a person is not liable criminally for an act involving property if it is accomplished or omitted to be accomplished in the exercise of a right to the property without intent to defraud.⁷

In most cases, unless a person's criminal liability is expressly defined by the Criminal Code, an act or omission occurring independently of good will or an accident will not be criminally liable. An act that is intended to cause a particular outcome cannot constitute an offence unless the intention to do so is expressly declared to be an element.⁸

In a similar way, a person who does or omits to do acts based on a mistakenly believed state of affairs cannot be held accountable for the act in the same way as he would if the actual state of affairs had been those he believed.⁹ A person who commits an offense is not criminally responsible if, at the time of committing it, he or she suffers from a disease that renders him/her incapable of comprehending the act or knowing that she/he ought not to commit it.¹⁰

Also, as long as the thing that intoxicated the person was administered against their will or without their knowledge, an intoxicated person is not criminally liable for their acts or omissions..¹¹ The defendant cannot use voluntary intoxication as a

⁵ Cyprus, The Criminal Code (Ο Ποινικός Κώδικας) Cap. 154, article 29.

⁶ Cyprus, The Criminal Code (Ο Ποινικός Κώδικας) Cap. 154, article 7.

⁷ Cyprus, The Criminal Code (Ο Ποινικός Κώδικας) Cap. 154, article 8.

⁸ Cyprus, The Criminal Code (Ο Ποινικός Κώδικας) Cap. 154, article 9.

⁹ Cyprus, The Criminal Code (Ο Ποινικός Κώδικας) Cap. 154, article 10.

¹⁰ Cyprus, The Criminal Code (Ο Ποινικός Κώδικας) Cap. 154, article 12.

¹¹ Cyprus, The Criminal Code (Ο Ποινικός Κώδικας) Cap. 154, article 13.

defense, and only involuntary intoxication can acquit him. Acts committed under threat of death to the perpetrator may be exempt from criminal punishment, except in cases of murder or crimes against the State when a reasonable fear of death prevents the perpetrator from taking advantage of this coercion.¹² Finally, a defendant may be acquitted if, by committing an offense, he produced less harm than he prevented or attempted to prevent, i.e., when the crime was committed in an emergency or necessity.¹³

It should be noted that in Cyprus, since 2006, a person under the age of fourteen is not criminally responsible for any act or omission.¹⁴

2 – Non-custodial sanctions

Probation order

A probation order can be imposed by Cyprus under the Probation and Other Means of Treatment of Offenders Law (46(I)/1996).¹⁵ Probation orders are non-custodial sentences that place a convicted person under the supervision of a probation officer for a period not less than one year nor greater than three years. The District Court may impose this sentence when the length of imprisonment is not specified by law for the offence committed, taking into consideration the nature of the offence and the special circumstances of the offender. It is the court's responsibility to select probation conditions that will aid in rehabilitating offenders.¹⁶

Social Welfare Services are assigned guardians for supervision. Besides offering advice, guidance, and assistance, the Guardian is responsible for ensuring that the person under guardianship complies with the decree and reporting to the court regularly.

Probation order with condition of self- control treatment

In accordance with the Law on Violence in the Family and Protection of Victims, a probation order can also be issued by the court in conjunction with the Law on Probation and Other Treatment of Offenders. For crimes under the violence in family law, the above probation order is only enforceable upon request from the offender.¹⁷

¹² Cyprus, The Criminal Code (Ο Ποινικός Κώδικας) Cap. 154, article 16.

¹³ Cyprus, The Criminal Code (Ο Ποινικός Κώδικας) Cap. 154, article 17.

¹⁴ Cyprus, The Criminal Code (Ο Ποινικός Κώδικας) Cap. 154, article 14.

¹⁵ Cyprus, Law on Probation and Other Means of Treatment of Offenders of 1996 (Ο περί Κηδεμονίας και Άλλων Τρόπων Μεταχείρισης Αδικοπραγούντων Νόμος του 1996) Ν. 46(I)/1996. Available at www.cylaw.org/nomoi/enop/non-ind/1996_1_46/full.html.

¹⁶ Supra note 15, article 5.

¹⁷ Cyprus, Law on domestic violence (prevention and protection of victims) of 2000 [Ο περί Βίας στην Οικογένεια (Πρόληψη και Προστασία Θυμάτων) Νόμος του 2000], article 25. Available at:

The above law also considers that a probation order may require that, in lieu of any other sanction, the probationer be subjected to self-control training by experts or depending on other conditions that may be deemed necessary by the court for preventing a repeat of violence.¹⁸

Probation order with condition on community service

The Law on Probation and Other Means of Treatment of Offenders gives the court the option to impose probation with community service as an alternative sanction. An order of probation requiring community service must only be imposed with the consent of the convicted person; it must be imposed for a specified period not less than one year, not more than three years.¹⁹ The court may also impose probation with community service when the length of imprisonment is not specified by law and only after the offender agrees to do community service.

Probation order with condition of vocational or other training

Under the Law on Probation and Other Means of Treatment of Offenders, probation orders with training requirements may be applied by the Court, with the consent of the offender, for a period of up to 3 years, and not less than 1 year.

All the conditions mentioned above for the probationary orders should apply here as well.

Suspended sentence of imprisonment

The Sentence of Imprisonment (Conditional Suspension in Certain Cases) Law underlines that when a court renders a sentence of imprisonment for a term not exceeding 3 years, it may order the suspension of its execution, on condition that within a period of 3 years the convict commits no other offence punishable with imprisonment.²⁰

In light of all the circumstances of the case and the circumstances of the convicted person, the Court finds that suspension is justified. Also, the suspension may be combined with supervision order by the probation offices of Welfare Service.²¹

Restraining order

[http://www.olc.gov.cy/olc/olc.nsf/D01B997A9E5BD385C225860D002DAFA3/\\$file/The%20Violence%20in%20the%20Family.pdf](http://www.olc.gov.cy/olc/olc.nsf/D01B997A9E5BD385C225860D002DAFA3/$file/The%20Violence%20in%20the%20Family.pdf).

¹⁸ Supra note 8.

¹⁹ Supra note 6, article 6.

²⁰ Cyprus, Law on the Sentence of Imprisonment (Conditional Suspension in Certain Cases) of 1972 [Ο περί της Υφ' Όρων Αναστολής της Εκτελέσεως Ποινής Φυλακίσεως εις Ωρισμένας Περιπτώσεις Νόμος του 1972 (N. 95/1972)], article 3. Available at:

http://www.cylaw.org/nomoi/enop/ind/1972_1_95/section-sc65eca54d-857b-44b9-94d0-5ec299024521.html.

²¹ Supra note 17, article 5.

Under the Law on domestic violence (prevention and protection of victims), a restraining order may be imposed in lieu of any other penalty prohibiting for a specified period to enter or remain the marital home for offences of violence in the family.²²

A combination of this alternative sanction and imprisonment of not more than 6 months may be used, in which case the restraining order will come into effect following the release from prison. Any violation of the conditions of the order will constitute an offense.

Treatment order

According to the Law on Treatment of Accused Users or Substance Dependents (41(I)/2016), the accused who pleads that he is a user or a substance dependent and who has been charged before a Court in a summary trial for any offence with the exception of the offences of possession of controlled drugs with intent to supply the same to another, of importation of controlled drugs and of sale of controlled drugs, as those offences are prescribed in the Narcotic Drugs and Psychotropic Substances Law and of any offence for which the maximum punishment exceeds ten years of imprisonment, may, at any stage of the judicial proceedings and prior to imposition of a penalty, apply to the Court for a treatment order and the Court may issue an order authorizing the referral of that person to a Treatment Centre.²³

For carrying into effect of the treatment order, the accused user or substance dependent shall be obliged to –

- (a) appear at the Treatment Centre specified by the Court within forty-eight (48) hours from the issue of the treatment order,
- (b) accept that he shall comply strictly with the content of the therapy contract,
- (c) comply with the directions of the Treatment Centre relating to his treatment.²⁴

The duration of the treatment shall be for three (3) months and such period may be extended by order of the Court every three months, based on the quarterly report, but the aggregate of such periods shall not exceed twenty-four months.²⁵ Until the issue of a treatment order the Court may refer an accused user or a substance dependent –

²² 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 23,24. Available at: [http://www.olc.gov.cy/olc/olc.nsf/D01B997A9E5BD385C225860D002DAFA3/\\$file/The%20Violence%20in%20the%20Family.pdf](http://www.olc.gov.cy/olc/olc.nsf/D01B997A9E5BD385C225860D002DAFA3/$file/The%20Violence%20in%20the%20Family.pdf).

²³ Cyprus, Law on Treatment of Accused Users or Substance Dependents Law of 2016 [Ο περί Θεραπείας Κατηγορούμενων Χρηστών ή Ουσιοεξαρτημένων Νόμος του 2016 (41(I)/2016)], Article 6(1). Available at: http://www.cylaw.org/nomoi/enop/non-ind/2016_1_41/full.html.

²⁴ Supra note 23, Article 6(3).

²⁵ Supra note 23, Article 6(4).

(i) in the case of an adult, in a safe place of detention;

(ii) in the case of a minor, in a safe health care establishment specified by a Minister's order.²⁶

In 2019, a new rehabilitation center for juveniles was established. Founded by the Cyprus National Addictions Authority²⁷, the center aims to reach children and adolescents between the ages of 13-19, with an addiction profile that requires internal treatment, i.e. when the use, abuse, and dependence causes dysfunctional behavior. Minors / young people can:

a) be under the care of the Welfare Office

b) be referred by their family

γ) be referred by the Court under the Treatment of Accused Users or Substance Dependents Law of 2016.

Moreover, "Therapeutic Community Agia Skepi" is a specialized facility with an internal shelter and care for adults. This program helps users deal with their addictions and provides them with the skills they need to reintegrate into society. In addition to mobilization and treatment services, the center offers counseling and support to families of users. The Agia Skepi program is designed for those with long-term substance use problems, regardless of national origin, gender, pregnancy, or gender identity. A key component of the program is the return of functional individuals to society, with a minimal chance of relapse. The treatment takes 9-12 months and consists of three phases, depending on the individual's circumstances and gender. Also, if the user is a parent, their children are permitted to visit.

Adults who are in the experimental phase of drug use or who use it occasionally may benefit from other programs which specialize in adult counseling e.g. « The Counseling Station 'Αποφασίζω' », «Achilles».

Outpatient treatment facilities are also available for people undergoing detoxification and social rehabilitation so they can support their treatment without needing to stay in an inpatient facility, e.g., «ΨΕΜΑ», «ΤΟΛΜΗ». Also, there are programs that focus on counseling teens and their families, for instance, "PERSEUS", "PROMETHEUS", "ITHACA". Most approved detoxification centers in Cyprus offer their services free of charge, demonstrating that in Cyprus, addiction is viewed as a social problem that requires the state's support and a smooth reintegration of users back into society.

Fines

²⁶ Supra note 23, Article 7.

²⁷ Cyprus National Addictions Authority's website: <https://www.naac.org.cy/el/home-en>.

Based on the circumstances of the case, the Court may impose a fine up to the maximum described in the relevant statutory provision. When determining the amount of the fine, the Court considers, among other things, the financial capacity of the offender and if the law does not define a maximum fine, then the amount of the fine is left to the discretion of the court, provided that the fine is not excessive, and exercised within its substantive jurisdiction.²⁸

Security for keeping the peace

A person convicted of an offence, except for crimes of premeditated murder, treason and instigating invasion, instead of, or in addition to, any punishment to which he is liable, be ordered to enter into his own recognizance, with or without sureties, in such amount as the court thinks fit, that he shall keep the peace and be of good behavior for a time to be fixed by the court, and may be ordered to be imprisoned until such recognizance, with sureties, if do directed is entered into. In any case the imprisonment for not entering the recognizance shall not extend for a term longer than one year, and shall not, together with the fixed term of imprisonment, if any, extend for a term longer than the longest term for which he might be sentenced to be imprisoned without fine.²⁹

Guarantee for attendance for a court decision

Except for crimes of premeditated murder, treason and instigating invasion, the court may, instead of passing sentence discharge the offender upon his entering into his own recognizance, with or without sureties, in such sum as the court may think fit, conditional that he shall appear and receive judgment at some future sitting of the court or when called upon.³⁰

Supervision

When a person having been convicted of any offence punishable with imprisonment for a term of two years or upwards, is again convicted of any offence punishable with imprisonment for a term of two years or upwards, the court may, if it thinks fit, at the time of passing sentence of imprisonment on such person, also order that he shall be subject to supervision as hereinafter provided for a term not exceeding five years from the date of the expiration of such sentence. Every person subject to supervision, shall report himself personally once in each month to the probation officer named in the order at such time as may be directed by such officer and forthwith notify to such officer any change of his residence. Also, if any person subject to supervision refuses or neglects to comply with any requirement, as provided above, shall unless he proves to the satisfaction of the court that he did his

²⁸ Cyprus, The Criminal Code (Ο Ποινικός Κώδικας) Cap. 154, article 31.

²⁹ Cyprus, The Criminal Code (Ο Ποινικός Κώδικας) Cap. 154, article 32.

³⁰ Cyprus, The Criminal Code (Ο Ποινικός Κώδικας) Cap. 154, article 33.

best to act in conformity with such requirement, be guilty of an offence and be liable to imprisonment for a term not exceeding six months.³¹

In addition to the above penalties, there are other special penal provisions that prohibit the possession of various licenses, such as driving licenses and weapons, as well as decrees demolish illegal buildings and the imposition of extrajudicial fines.

Certain categories of convicts belonging to vulnerable categories receive more leniency and special treatment from the Cypriot criminal justice system. As stated above, a defendant's juvenile age is a mitigating factor, and according to the Penal Code, children under 14 years of age cannot be held criminally responsible for any act or omission.

The Court has the authority to review prior convictions pertaining to offenses under Cypriot law, as well as convictions issued by courts with criminal jurisdiction outside of Cyprus.³² Although prior convictions of the accused can serve as aggravating factors, alternative sentences can still be imposed. Cyprus' courts emphasize individualization in their case law, but there is concern that in cases of serious offenses, personal circumstances of the defendant may be overlooked. However, alternative sentences are not prohibited.

In our case law, we make it clear that previous convictions do not justify an imposition of a sentence such that it creates the impression that an offender is being punished for a second time. Nevertheless, prior criminal convictions can impact the level of leniency the Court is willing to grant. The Court considers previous convictions as an additional element and takes them into account when sentencing a defendant, because they may indicate his attitude toward and respect for the law.³³ Also, the Law on Rehabilitation of Convicts was amended in 2004 to leniently modify the conditions under which previous convictions for those under 21 years of age can be dismissed.³⁴

3 – Rationale for sentencing: determining the type and term of a non-custodial sentence

Criminal procedure in Cyprus includes sentencing, which may be independent of guilt phase, since if the Court decides that a sentence should be imposed on him, it may either proceed to impose the sentence in accordance with law or may postpone such a sentence for a later date.³⁵

³¹ Cyprus, The Criminal Code (Ο Ποινικός Κώδικας) Cap. 154, article 34.

³² Law on Criminal Procedure (Ο Περί Ποινικής Δικονομίας Νόμος) Cap 155, article 80A.

³³ Παναγιώτου (Αντάρτης) v. Δημοκρατίας [1997] 2 Α.Α.Δ. 138.

³⁴ Law on Rehabilitation of Convicts (Ο περί Αποκαταστάσεως Καταδικασθέντων Νόμος του 1981) Ν.70/1981.

³⁵ Law on Criminal Procedure (Ο Περί Ποινικής Δικονομίας Νόμος) Cap 155, article 80.

By delaying the imposition of a sentence for the purpose of evaluating its appropriateness, the court is able to take all relevant factors into account, and on the other hand, the accused can reflect on his actions.

There is no law in Cyprus that specifies which factors or criteria are to be considered during sentencing; instead, they are determined by case law. As dictated by case-law, when measuring the sentence factors related to the nature and seriousness of an offense are considered, as well as factors related to the convict's personal circumstances.

When deciding the severity of the sentence, the Court begins with the maximum sentence allowed by law, then determines whether there are aggravating or mitigating factors, and then adjusts the sentence to reflect these facts. As a result, the sentence is individualized to reflect the severity of the crime, the circumstances surrounding its commission, as well as the actual personal circumstances of the offender.³⁶ Factors related to the offense itself include the damage caused, the nature and frequency of the offense, the escalation of the offenses, the vulnerability of the victim, etc. In general, the Cypriot courts take into account the aggravating and mitigating circumstances that led to the commission of the offense by the specific perpetrator. The sentence is individualized, considering personal circumstances of the criminal, such as his marital status, educational level, young age, gender, social and economic status, previous convictions, repentance, his white criminal record as well as his physical and mental health.

Currently, the Cyprus Judiciary has no judges dealing with sentence execution; therefore, non-custodial sentences and imprisonment are imposed by the trial judges, who have heard all relevant facts and are able to develop a complete portrait of the crime committed as well as the offender's profile. Generally, Cyprus' judges impose sentences according to their discretion, within the limits of the law. Judges are not required to impose alternative sentences, but they always consider the existing legal framework, all facts of the case as well as the convict's circumstances in order to impose a sentence appropriate for each case.

According to the article 30(2) of Cyprus Constitution judgments shall be reasoned and pronounced in public session. Additionally, article 113(1) of Chapter 155 states that *“every judgment shall be recorded in writing and in cases where appeal lies, shall contain the point or points for determination, the decision thereon and the reasons for the decision”*.³⁷ It follows that in Cyprus, courts have a legal and constitutional obligation to provide a justification for their decisions, and judges are obliged among other things, to justify their choice and length of the sentence.

³⁶ Γενικός Εισαγγελέας της Δημοκρατίας ν. Πέτρου Τρύφωνος (2003) 2 ΑΑΔ 147.

³⁷ Law on Criminal Procedure (Ο Περί Ποινικής Δικονομίας Νόμος) Cap 155, article 133(1).

Sentencing purposes are not addressed by legislation, but instead are determined by case law based on theory. Based on existing case law, the need to reform an offender cannot override the other purposes of punishment, including preventing crimes by both the accused and by others, and protecting society from instances such as what occurred with the appellant.³⁸

It is necessary to demonstrate that the sentence is justified by one of the purposes it is intended to serve. In addition to rehabilitation, deterrence is crucial to the public's interest and protection, and retribution is vital to the legal system. All these factors need to be considered and weighed, along with the probable repercussions and effects of incarceration on the individual offender.³⁹

When it comes to punishment, deterrence encompasses more than specific deterrence, which does include preventing other perpetrators from committing the offence.⁴⁰

4 – Implementation of non-custodial sanctions and consequences of non-compliance

Throughout Cyprus, there is no special court/judge responsible for overseeing the implementation, and welfare services and trial courts supervise most non-custodial sanctions, especially probation orders. If a sentenced person breaches the conditions attached to the sentence, it constitutes an offence and the authority responsible in case of infringement is the trial court of supervision. When it comes to guardianship decrees, when the guardians don't comply with them, they are brought before the court. The supervisor drafts a new Report, and the Court, without regard to the continued validity of the custody decree, may impose a fine not exceeding fifty pounds on the custodian or annul the decree and decide how to deal with the custodian as if he had just been found guilty of the offense. Also, if the conditional exemption decree is violated, the dismissal decree becomes invalid, and the offender is punished for the offense for which the conditional exemption decree was issued.

A court may exercise its discretion in determining whether to further sentence a convict or imprison him if a convict fails to comply with the non-custodial measures. It is possible also for the court to modify the duration of a sentence en route, for example, under supervision, where the custodian shows good behavior, the court may cancel the supervision order. In any case, the convicted person has the right to appeal against the sentence imposed on him. Cases that are appealed are heard by the Supreme Court.

5 – Early release

³⁸ Velcu v. Police (2020) 100/2019, ECLI:CY:AD:2020:B21.

³⁹ Diogenis Savva Karaviotis and others v. The Police (1967) 2 CLR 286.

⁴⁰ Andronicou v. the Republic (2008) 2 A.A.Δ. 486.

According to the article 14A(1) of the Prisons Law, a prisoner who has served half his sentence, which exceeds two years, or, who is sentenced in life imprisonment and has served at least twelve years of his sentence, shall be entitled to submit directly to the Parole Board, a written application for conditional release on license, for continuing serving the rest of his sentence thereof, outside the Prisons.⁴¹

The Parole Board shall examine the prisoner's applications submitted therein and may decide on the conditional release on license of prisoners, for continuing serving the rest of their sentence or sentences outside the Prison or, may reject the applications. Also, the Parole Board shall decide the conditions and restrictions which, under the circumstances, shall consider appropriate to set, for the release of a prisoner on license and may set as a condition that the prisoner during the service of all or any part of the remaining part of the sentence out of Prison, will be under the surveillance and supervision of a person as referred to in the decision.⁴²

Article 14H of the Law on Prisons refers to a host of factors that the Parole Board considers when examining the application. The Parole Board when deciding, has the power to impose conditions and restrictions, which considers appropriate to set in each case, the said conditions and restrictions may, for the purpose of reducing the risk of recidivism of the prisoner, include among others –

“(a) prohibition, within the time laid down in the decision, of accommodation, work, visitation or transport of the prisoners, in places, premises, buildings or establishments therein, or, in districts or other places set out in the decision of the Parole Board,

(b) prohibition of contact of the prisoner, in any way, for a prescribed time laid down in the decision, with a certain person or persons of certain age, occupation or category,

(c) the prisoners' commitment to undergo, within a prescribed time laid down in the decision, into treatment for rehabilitation from drugs or abuse of alcohol or treatment from any other condition of addiction which evidently is connected with committing criminally punishable acts,

(d) the prisoners' commitment to find, within a prescribed time laid down in in the decision, work or occupation or/and attend training or educational program or programs of occupational rehabilitation.”⁴³

⁴¹ The Prisons Law (Ο Περί Φυλακών Νόμος του 1996) Ν.62(Ι)/1996. Available at: [http://www.olc.gov.cy/olc/olc.nsf/BCA644750AE5ADA8C225860D002DAF6F/\\$file/The%20Prisons%20Amendment%20Law%20-%202009.pdf](http://www.olc.gov.cy/olc/olc.nsf/BCA644750AE5ADA8C225860D002DAF6F/$file/The%20Prisons%20Amendment%20Law%20-%202009.pdf).

⁴² Supra note 40.

⁴³ Supra note 40.

Every decision of the Parole Board for the release on license of a prisoner, shall automatically cease to be in effect in case where the prisoner commits any new offence for which he is sentenced to imprisonment while serving the remaining part of his sentence out of the Prisons. The Parole Board may at any time, with a duly justified decision revoke its previous decision for the conditional release on license of a prisoner, if it is satisfied, after giving the chance to the prisoner to be heard, that he neglected to comply with any condition or restriction for the time being in effect, set by the Board, for the said release.⁴⁴

The period from the date the prisoner begins to serve the remaining part of his sentence outside the Prisons on license, until the date his release on license may cease to be in effect is calculated in the period of serving the said sentence.⁴⁵

It is worth noting that conditional release is a way of serving the sentence and at any time, in case a condition is violated, or the applicant commits an offence again, his leave may be revoked by the Parole Board, and he may return to prison to serve his sentence. To monitor the conditions, supervisors are appointed by the Parole Board where they receive instructions for monitoring and supervising the detainees.

Finally, a prisoner serving a prison sentence may have a reduction of his sentence if he shows good manners and diligence, unless he has been sentenced to life imprisonment.⁴⁶

6 – Sanctions or measures applicable to vulnerable persons and minority groups

Certain categories of convicts belonging to vulnerable categories receive more leniency and special treatment from the Cypriot criminal justice system. As stated above, a defendant's juvenile age is a mitigating factor, and according to the Penal Code, children under 14 years of age cannot be held criminally responsible for any act or omission. Earlier this year, the law of child-friendly justice was passed, which is a significant and innovative step in dealing with juvenile offenders, as it focuses on the establishment of decriminalization proceedings. Moreover, the law establishes a special Juvenile Court as well as Committees and Councils to make sure that children's interests are always considered during the adjudication of cases. Article 88 outlines the penalties that can be imposed by Juvenile Courts, while Article 119 stipulates that the detention in a child detention facility of a child found guilty of a crime is a last resort and is only applicable to a child who reaches the age of 16. In case of life imprisonment, the prison sentence cannot exceed 10 years.⁴⁷

⁴⁴ Supra note 40.

⁴⁵ Supra note 40.

⁴⁶ Supra note 40, article 12.

⁴⁷ Children in Conflict with the Law Act(Ο περί Παιδιών σε Σύγκρουση με το Νόμο Νόμος του 2021) Ν. 55(I)/2021.

Children in conflict with the law should be subject to alternatives punishment or measures (such as surveillance programs, custody, counseling, and community supervision). Among the possible penalties are exclusion, conditional release, fines, the payment of compensation to the victim to cover expenses, a decree ordering the parent or guardian to pay compensation, parental supervision, community supervision, and child custody. Regardless of the crime committed, children who are criminally responsible should not be treated by the adult justice system, and all proceedings should be child friendly.⁴⁸

Detention of a child is prohibited, so it is the ultimate punishment to imprison a child. According to the new legislation, a child detention facility will be a separate facility outside of the prison that is specially designed for children. These spaces will respect children's rights while meeting the specifications and requirements set by the Minister. As well as having the right to contact their parents or guardians, children in prison also have the right to get an education and training.⁴⁹

Undoubtedly, the above legislation has completely changed the way young offenders are treated, but unfortunately in practice the necessary infrastructure has not yet been established, such as the creation of a separate Juvenile Court and a child detention facility.

Also, the Law on Foreigners and Immigration stipulates that unaccompanied minors and families with minors will only be detained as a last resort and for the minimum time necessary.⁵⁰ Minors who are detained can engage in leisure activities, such as play and recreational activities that are age-appropriate, and, depending on how long they remain in the facility, can receive an education. A cornerstone of the law is the principle of non-repatriation, which prohibits the return of a person to a country where his life or liberty is in danger or in danger of being subjected to torture or inhuman or degrading treatment or persecution.

In cases where an offender has mental health problems, our criminal justice system will impose a penalty on him, which will serve the purpose of providing him with appropriate treatment. According to the Law on Psychiatric Care (1997) if a person in need of psychiatric care has been convicted of an offense punishable by imprisonment, the court can authorize his admission and detention in an appropriate facility for the purposes of the required treatment.⁵¹ Psychiatric

⁴⁸ Supra note 46.

⁴⁹ Supra note 46.

⁵⁰ Law on Foreigners and Immigration (Ο περί Αλλοδαπών και Μεταναστεύσεως Νόμος, ΚΕΦ.105), article 18ΠΗ.

⁵¹ Law on Psychiatric Care (Ο Περί Ψυχιατρικής Νοσηλείας Νόμος του 1997), Ν.77(Ι)/1997.

hospitalization for a convicted person is instituted as a temporary measure of mandatory hospitalization.⁵²

It is noteworthy that since 2005, there is legislation protecting accused mothers and providing for more favorable treatment by the courts.⁵³ To be more specific, mothers are not subject to imprisonment or detention of a suspect except in special circumstances, where the offense is a felony or misdemeanor committed with violence, and the mother is an immediate and continuing danger to society. It is unfortunate that this law doesn't benefit fathers or guardians of minors in general, but only the mother, which I believe violates the principle of equality.

The geographic location of Cyprus makes it a continuous destination for immigrants and refugees, and its legal framework offers protection to these vulnerable groups. The Refugee Law deals with all refugee matters, including asylum process. The legislation includes a non-exhaustive list of alternatives to detention, including regular reporting to authorities, deposit of a financial guarantee and the obligation to stay at an assigned place, including a repletion center and on probation.⁵⁴ In addition, while the Law on Foreigners and Immigration refers to alternatives to detention and states that detention is used as a last resort, alternatives are not listed, and the applicable article is rarely implemented in practice.⁵⁵

It is the responsibility of the Civil Registry and Migration Department (CRMD) to evaluate whether alternatives to detention can be applied. Despite this, these alternatives are not subject to statutory time limits or proportionality tests, and there are no guidelines or regulations for their implementation. The lack of clarity concerning this issue also means that even though detention orders issued under the Refugee Law refer to an individualized assessment, and the CRMD affirms that such assessments are indeed carried out, no cases have been uncovered that confirm such a practice.⁵⁶

In general, alternatives to detention are examined after a detention order is in place rather than before. Every asylum seeker released from detention in 2020 received an alternative to detention decision ordered by the Refugee Law.⁵⁷ In the cases of detainees who successfully challenge their detention orders in Court,

⁵² Supra note 50, article 38.

⁵³ Law on the Protection of Minors of Convicted or Suspicious Mothers (Ο περί της Προστασίας Ανήλικων Τέκνων Καταδικασθεισών ή Υποπτων Μητέρων Νόμος του 2005), Ν. 33(Ι)/2005.

⁵⁴ Refugee Law (Ο περί Προσφύγων Νόμος του 2000), Ν.6(Ι)/2000, article 9ΣΤ(3).

⁵⁵ Supra note 49.

⁵⁶ Information based on monitoring visits to Menogia Detention Centre by the Cyprus Refugee Council and interventions carried out as part of the case management under the Pilot Project on the Implementation of alternatives to detention in Cyprus, available at: <https://bit.ly/3cJ2v6C>.

⁵⁷ Supra note 53.

alternative/conditions are not ordered. Instead, the Court orders their immediate release without conditions on that release.⁵⁸

Under the Refugee Law, asylum seekers and their children are prohibited from being detained. A court may, however, issue an arrest warrant for an adult applicant either to identify the applicant's nationality, or to establish their identity in case of a refusal to cooperate, or to examine the new facts after the rejection of the asylum case and the issuance of a removal order.

According to the above law, the Asylum Service was established to coordinate and supervise the management and operation of reception centers as well as examine requests for international protection. Moreover, the Asylum Service is responsible for the implementation of Dublin Regulation, which established the criteria and mechanisms for assigning responsibilities for dealing with asylum applications, preparing relevant bills, participating in working groups and committees of the EU, and generally coordinating the services involved in asylum matters.

Furthermore, in Cyprus certain vulnerable groups can receive early release, under special conditions. First, an inmate who is in the open prison and is enrolled in a drug rehabilitation program will be able to get released from prison if the Attorney General authorizes it. Under conditions determined by the Evaluation and Care Committee, these convicts may be released from prison under electronic surveillance for the period necessary to complete the detoxification program. Moreover, convicts in open prisons who are granted leave without accompaniment or education leave will be monitored via electronic devices. Electronic monitoring may also be available to open prison inmates over the age of 70 who have not been convicted of sex crimes or drug trafficking and for convicts who are bedridden or seriously ill. Evaluation and Care Committee will decide for what period they will be placed under house arrest, based on the condition of their health, as determined by the opinion of a medical council and with the authorization of the Attorney General.⁵⁹

II. NON-CUSTODIAL SANCTIONS/MEASURES IN PRACTICE

1 – How non-custodial sanctions and measures work in practice

The most common punishment that the Court imposed in 2018 on the 39,502 convicts was the Fine, which accounted for 93%, followed by the Commitment of Good Conduct in 2.4%, the imprisonment in 1.8%, the suspended imprisonment in

⁵⁸ Drousiotou Corina and Mathioudakis Manos. (2020). Country Report: Cyprus. Asylum Information Database.

Available at: https://asylumineurope.org/wp-content/uploads/2021/04/AIDA-CY_2020update.pdf.

⁵⁹ The Prisons Law (Ο Περί Φυλακίων Νόμος του 1996) Ν.62(Ι)/1996.

1.6%, the Exemption with or without conditions at a rate of 1.5%, the penalty of Guarantee for observance of the Law and Order at a rate of 1.5%, and then the penalty of Guardianship Decree at a rate of 0.5%. In the same year, 2 men and 1 woman were also sentenced to life imprisonment. During the same year, 2 men and 1 woman were also sentenced to life imprisonment.

In comparison to the United Kingdom and other European countries, the prison sentences imposed by the courts in Cyprus are quite lenient, and the prison sentences served by convicts are shorter than the sentences imposed by the court, raising a number of questions, especially when a prison sentence is justified by a reference to deterrence.⁶⁰ More specifically in Cyprus 31% of prisoners do not complete their sentence in prison compared to 26% which is the European average.

The SPACE-I (2020) Report indicates that there is an extremely high rate of overcrowding in the Cyprus prison system. In Cyprus, 12.8% of prisoners are over 50 and 2.3% are 65 or older, while the European averages are 15.3% and 2.7%. The average number of female prisoners in Cyprus is 4.5%, while the European average is 5.6%. Cyprus is also the fourth-highest country for drug-related sentences, with 27% of prisoners serving sentences, compared to an average of 18% in Europe.⁶¹

There is no information available in the Court Statistics about the nationality of the accused. As follows, with reservations, are 2015 figures published in 2017: 77.2% were Cypriots, 9.9% were citizens of other European Union countries, 12.4% were nationals of third countries (outside the EU-28), and 0.54% were unknown citizens.

The following are the main punishments imposed by the criminal courts in 2018 for various categories of crimes:

(a) Violations of the Traffic Code: Fine (96.6%).

(b) Offenses against property: Fine (80%), Imprisonment and Suspension (11%).

(c) Offenses against the person: Fine (67%), Imprisonment (9%), Suspension imprisonment (11%).

(d) Financial offenses: Imprisonment (62%), Suspended imprisonment (21%) and Sexual offenses: Imprisonment (54%), Suspended imprisonment (14%).

(e) Sexual Offenses: Imprisonment (54%), Suspended Imprisonment (14%).⁶²

In Cyprus, there is a lack of statistics from the criminal justice system, so it is difficult to implement effective measures and policies to tackle criminal behavior and

⁶⁰ Καπαρδής, Α., Στεφάνου, Η. (2020). Επμέτρηση και επιβολή ποινών στο κυπριακό νομικό σύστημα. Νομική Βιβλιοθήκη.

⁶¹ Aebi, M. F., & Tiago, M. M. (2021). SPACE I - 2020 – Council of Europe Annual Penal Statistics: Prison populations. Strasbourg: Council of Europe

⁶² Supra note 59.

criminals. In light of the dark figure of crime, as well as the outdated and incomplete statistics, we understand that this area must be upgraded.

It is important to note that ministry of justice's Action Plan for the Prevention and Treatment of Crime 2019-2024 acknowledges the above problem and states that detailed statistics and data on crime should be collected, processed, and utilized across a range of government services to create a holistic framework which incorporates existing fragmented structures into anti-crime policies and human rights strategies. In accordance with the recommendations of international organizations, the Ministry's goal is to collect and record complaints and grievances by gender, age, and other indicators of individual characteristics which may explain criminal activity (color, ethnicity, sexual orientation, gender identity, disability, etc.).

2 – Supervision of the implementation of non-custodial sanctions/ measures

As mentioned above, guardianship officers from Social Welfare Services monitor probation orders. Originally, the Social Welfare Services were established in 1952 and consisted of a small group of probation officers that were appointed in the mid 1940's to supervise the Lampousa Reform School of minor offenders.⁶³

Today, the Social Welfare Services are divided into four divisions, under which different programs are run: staff development, State institutions, public assistance, and families and children. First line services towards the public are offered by the five Regional Welfare Offices, those of Nicosia, Limassol, Larnaca, Paphos, Famagusta and 9 local offices in Nicosia, Limassol and Larnaca. The Social Welfare Services personnel consist of 257 Social Welfare Services Officers and 149 Residential Officers who occupy posts at all levels of the Services hierarchy. The Secretarial personnel, consists of 8 Secretarial Officers and 41 Assistant Secretarial Officers.⁶⁴

It is worth noting that the Plan for Restructuring and Modernization of Social Welfare Services in 2019 was adopted based on the importance and necessity of modernizing Social Welfare Services, primarily by upgrading their structures and ways of functioning to create conditions for their more efficient and effective work and usage and to provide more solidarity for citizens and vulnerable groups. The Plan establishes an Adult Social Intervention Group that aims to provide specialized and holistic support to the lonely, ill, prisoners, released prisoners, drug users, the elderly, people with disabilities, refugees, and asylum seekers. Social intervention in adults involves diagnosing the condition and needs of each individual, and then providing the necessary support through experts or with the aid of other processes or groups.

⁶³ Official website of Social Welfare Services, http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/dmlhistory_en/dmlhistory_en?OpenDocument.

⁶⁴ Supra note 62.

In order to create a strong central authority for coordinating and horizontal activities aimed at modernizing society's services, a sub-ministry was created, called the Ministry of Social Welfare with the Establishment of a Ministry of Social Welfare Law (89(I)/2021).⁶⁵

3 - Effectiveness of non-custodial sanctions in achieving the purposes of punishment and reducing the use of imprisonment

Unfortunately, there are no data available on assessing non-custodial measures or comparing reoffending rates of prison and non-custodial sentences.

As a result of a lack of empirical data and research, we are unable to evaluate the effectiveness of alternative sentences, which, in a certain way, seems to preclude courts from enforcing alternative sentences.

III. IMPACT OF THE COVID-19 PANDEMIC ON THE IMPOSITION AND IMPLEMENTATION OF NON-CUSTODIAL SANCTIONS AND MEASURES

1. Non-custodial sentences or measures aimed at reducing the prison population as a means of preventing the spread of the virus within prison facilities

The Covid-19 pandemic affected our criminal; justice system and showed the necessity for the modernization of the justice, the necessity for the adoption of e-justice.

Several measures have been taken and continue to be taken due to the pandemic that affect the criminal justice system. Among the first steps taken was the suspension of all court proceedings until 30 April, except for those relating to urgent criminal or civil cases.

The concept of sentencing outside of prisons has been extended with electronic monitoring as well as the implementation of the Open Prison. As specific measures, through the newly passed Prison (General) (Amendment) Regulations of 2020⁶⁶, measures were taken to address the problem of overcrowding in prisons while taking into consideration the risks of the Coronavirus being spread in prisons. New amendments have enabled a higher number of detainees to enter the Open Prison.

As opposed to previously accepting only convicts sentenced to six months in prison, those sentenced to up to 12 months will now be eligible for inclusion in the Open Prison program. Moreover, the period of detention in the Center for Extra-

⁶⁵ The Establishment of a Ministry of Social Welfare Law (Ο περί της Ίδρυσης Υφυπουργείου Κοινωνικής Πρόνοιας και περί Συναφών Θεμάτων Νόμος του 2021), Ν.89(Ι)/2021. Available at: http://www.cylaw.org/nomoi/arith/2021_1_089.pdf.

⁶⁶ Prison (General) (Amendment) Regulations of 2020 (Οι περί Φυλακών (Γενικοί) (Τροποποιητικοί) Κανονισμοί του 2020) http://www.cylaw.org/KDP/data/2020_1_149.pdf.

institutional Employment of Prisons has been extended from 12 to 18 months. Besides decongesting the prisons, this will also aid in the smoother reintegration of prisoners into society. The law also provides that detainees who reside in the center will be allowed to visit their families unaccompanied every week.

Cyprus was one of the member states of the Council of Europe whose prison population rates experienced the greatest decrease during the Coronavirus outbreak. Cyprus released 15.9% of inmates at the Central Prisons due to the outbreak of Coronavirus, according to the SPACE I report published as part of the Council of Europe project.⁶⁷ There were 762 inmates in Cyprus; 121 of them were released, helping relieve much-needed congestion in the overcrowded Central Prisons in Nicosia, which can only accommodate 566 inmates. As of April 15, Cyprus registered 616 inmates, including those on hold awaiting court appearances.⁶⁸ Also, 23 prisoners were already under house arrest and 10 were released on the basis of a decision of the Prison Board.

By mid-May there were about 700 prisoners detained, 45% of whom were non-Cypriots but no one with a migrant status was granted release out of the 114 who were released in April.⁶⁹

At the moment, there is no report summarizing the effectiveness of the above measures and whether or not they reduce relapses.

2. Impact of the pandemic on non-custodial sanctions/measures

Since we lack statistics and data, we can't yet assess how the pandemic affected the imposition of alternative sanctions.

As a result of the need to take action to combat the pandemic, certain vulnerable groups and minorities appear to have been adversely affected. The use of telework and the measures adopted created special problems in dealing with domestic violence. According to the NGO SPAVO which supports victims of domestic violence reported an increase of 30% in the number of calls to their helpline in the period following the outbreak.⁷⁰

While little information is available on the conditions of workers who were in an irregular situation during the lockdown, NGOs report that a large majority of them

⁶⁷ Aebi, M. F., & Tiago, M. M. (2021). SPACE I - 2020 – Council of Europe Annual Penal Statistics: Prison populations. Strasbourg: Council of Europe

⁶⁸ Supra note 66.

⁶⁹ European Union Agency for Fundamental Rights (FRA) for the project “Coronavirus COVID-19 outbreak in the EU – fundamental rights implications”: Cyprus, Bulletin 3.

⁷⁰ Cyprus, Association for prevention and handling of domestic violence (2020), ‘Home isolation due to Covid-19 creates fertile ground for deterioration of domestic violence’ (Ο περιορισμός λόγω covid-19 δημιουργεί έφορο έδαφος για επιδείνωση της ενδοοικογενειακής βίας), Press release, 17 March 2020.

faced a dilemma of either working under exploitative conditions at the risk of getting caught in violation of the strict restrictive measures and having to pay a fine, or alternatively, face destitution.⁷¹

The addiction treatment and harm reduction services, like all health care services, continued to operate even in extreme circumstances. In consequence of the Addiction Treatment Authority's Crisis Management Plan for Therapeutic Structures, treatment services have been maintained for patients. As part of the psychosocial intervention services, remote treatment was offered (e.g., by telephone or internet) and measures were put into place to ensure the continuation of treatment and reducing the spread of the virus within those already treated. Whenever possible, physical presence support was also provided on an individual basis, while group therapies were suspended. As a result of substitution programs, it has become possible to increase the number of patients who are considered eligible for home dosing and to schedule correct times for administration.

The Immediate Access Services offered open and direct access to provide emergency assistance during extended hours. They have also implemented initiatives to reduce harm outside the building, as well as provide safety and hygiene equipment to homeless individuals who use substances.

In particular, the first wave of appointments encountered problems since a crisis management plan had yet to be created and activated. This caused a number of appointments to be postponed, as well as a difficulty in making new appointments online, or over the phone. During this process, Therapeutic Programs adapted their services, but they also had to make some changes in the way they operated, such as the suspension of licenses and visits to internal programs, the discontinuation of group interventions, the restriction of individual interventions only to emergencies, and the discontinuation of home visits.⁷²

3. Impact of the pandemic on the future of non-custodial sanctions

During the pandemic, pre-existing problems in the criminal justice system were highlighted, such as delays in court decisions, the need to modernize the judiciary, and the need to use alternative sentences more effectively. In addition, the fact that the issue of overcrowding in Cyprus' prisons is being brought to the forefront of discussions is a positive sign that alternatives to prison will be employed.

In the meantime, the Supreme Court encourages judges and members of the judicial service to use electronic means of resolving cases pending the adoption of an interim or full e-justice system to process the backlog of cases by following health

⁷¹ Supra note 68.

⁷² Σχέδιο Διαχείρισης Κρίσης για τις Θεραπευτικές Δομές από την Αρχή Αντιμετώπισης Εξαρτήσεων Κύπρου: <https://www.naac.org.cy/uploads/c2f1ad466f.pdf>.

protocols.⁷³ The Supreme Court ordered judges to use their discretion in determining whether legal costs are due where documents are filed electronically, when legal work is performed without the attorney's presence in court, and when cases are rejected or withdrawn without the presence of both litigants.⁷⁴ The Supreme Court instructed that pending the adoption of the e-justice system, the court must instruct about the presence or absence of a lawyer and about whether the lodging of documents can be made electronically or not.⁷⁵

The above system can process an electronic case file, registration, ratification, processing, and exchanging of documents electronically. At first, the electronic justice system will only serve to facilitate communication between the parties, the Registry, and the judges, while at a later stage, it will also include the Police, the Warrants, and the evidence in all court cases. As a result, the courts will gain some flexibility in the form of electronic services, limiting or even eliminating the need for physical presence in Registries for document registration.

IV. PROSPECTS FOR THE FUTURE OF ALTERNATIVES TO IMPRISONMENT

Previously, we mentioned that the law on the Child-Friendly Criminal Justice System had been adopted in Cyprus. This law creates the conditions for the establishment of a child-friendly criminal justice system which respects the child's dignity and operates according to its rights. The law is a great innovation for Cyprus, as it establishes structures and procedures of decriminalization that haven't existed in the Cypriot legal system until now. Juvenile Courts will be established under the above law as well as child detention facilities, which will be outside of prisons and specially adapted for the care of children.

Furthermore, the establishment and operation of the Ministry of Social Welfare will strengthen the Social Welfare Services, which suffer from a severe staff shortage that impedes their efficiency.

As part of the National Plan for the Prevention and Combating of Crime (2019-2024) of the Ministry of Justice, more steps are being taken to reform and modernize penal and penitentiary legislation, including expanding and improving the Community Service Program and allowing leave of absences from prison. To keep the prison population at manageable levels, the Plan also recommends a minimum sentence system, such as Australia's, as well as the decriminalization of offenses and the exhaustion of all other alternatives. Additionally, the Plan recognizes the weaknesses in terms of forensic statistics and proposes practices for upgrading this area.

⁷³ Cyprus Supreme Court (2020), Circular No. 132, 24 June 2020.

⁷⁴ Cyprus Supreme Court (2020), Circular No. 132, 24 June 2020.

⁷⁵ European Union Agency for Fundamental Rights (FRA) for the project "Coronavirus COVID-19 outbreak in the EU – fundamental rights implications": Cyprus, Bulletin 4.

Furthermore, there are bills that propose reopening the Supreme Constitutional Court and the Supreme Court (with additional powers for both courts), as well as the establishment of a separate Court of Appeal. At the same time, the bills expand the composition of the Supreme Judicial Council as well as reopen the two Councils provided for in the Constitution for Judges of the Supreme Constitutional Court and the Supreme Court. Finally, the Supreme Constitutional Court will act as the Second Instance Judicial Council.

Consequently, it is clear that drastic changes are on the horizon for the criminal justice system in Cyprus. These changes will overhaul the whole system, strengthen the existing bodies, and create a more effective criminal justice system based on rehabilitation and substitute punishments.