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| **Role of Organised Criminal Groups with regard to Contemporary Forms of Slavery:**  **Call for Input**  **Completed by:**  Katerina Stephanou & Maria Diomidous  **Step Up Stop Slavery, Cyprus**  Contact person:  Katerina Stephanou, Founder, CEO – katerina@stepupstopslavery.org  [www.stepupstopslavery.org](http://www.stepupstopslavery.org)  **Legislative Frameworks**  **In addition to legislation relating to contemporary forms of slavery, does your country have any statutory frameworks criminalising the activities of organised criminal groups (e.g. participating, leading/directing, organising or being a member)? If so, please provide details, including statistical information on prosecutions/convictions if available.**  Thestatutory framework on criminal law in Cyprus is governed by the **Cyprus Criminal Code Cap 154** whichwas amended via the Criminal Code (Amending) Law of 2002 to include sections 63A and 63B relating to participation in organised criminal groups.  Specifically, according to section 63A anyone who participates in an organised criminal group is guilty of an offence and subject to three years imprisonment if convicted.  Furthermore, section 63B provides that anyone who, having knowledge of the illegal aims or activities of a criminal group, participates through any action in the commission of any illegal act by the criminal group or in any act which they ought reasonably to have known is connected in any way with the commission of any offence shall be guilty of a felony punishable by up to 10 years imprisonment or by a fine of up to 50,000 pounds or by both these penalties. The Cyprus Criminal Courts’ jurisdiction over such cases also applies to cases in which the said organised criminal group is located or is active wholly or partly outside of the Republic of Cyprus.  The term ‘organised criminal group’ is defined as any organised group of three or more persons which has been established and operates with the objective of committing offences punishable by a maximum penalty of at least three years.  **Do the legislative frameworks on contemporary forms of slavery stipulate the involvement of organised criminal group as an aggravating factor increasing penalties?**  Yes, section 13 of *The Law on the Prevention and Combating of Trafficking and Exploitation of Persons and the Protection of Victims Law 60(I)/2014* specifically stipulates that during the trial of offences criminalised under the said Law and in the determination of the relevant penalty, the Courts shall consider the fact that the offence was committed within the framework of an organised criminal group (as defined by section 63B of the Criminal Code) as an aggravating factor.  **Does your country have legislative frameworks on money laundering and criminal asset recovery (or confiscation of criminal proceeds)?**  The Anti-Money Laundering legal framework in Cyprus is governed by the *Prevention and Suppression of Money Laundering and Terrorist Financing Law of 188(I)/2007 (*The AML Law*)* as amended to date with the recently enacted Amending Law 22(I) 2021 fully implementing the EU Directive 2018/843 of the European Parliament and of the Council of 30th May 2018, (“the 5th AML Directive”). In addition to the main legislative framework provided by The AML Law, secondary legislation has been issued by various Supervisory Authorities in accordance with Section 59(4) of the AML Law such as; the 2020 Directive of the Cyprus Securities & Exchange Commission (CySEC) for the Prevention and Suppression of Money Laundering and Terrorist Financing, the Directive on AML & CTF (Version December 2019) issued by the Cyprus Bar Association, the Directive for the Prevention and Suppression of Money Laundering and Terrorist Financing issued by the Institute of Certified Public Accountants of Cyprus (ICPAC) and the 5th Edition of the Directive on the Prevention of Money Laundering and Terrorist Financing issued by the Central Bank of Cyprus.  The Unit for Combating Money Laundering (MOKAS) is the Financial Intelligence Unit (FIU) of Cyprus.  The AML Law also provides the legal framework regulating criminal asset recovery. The courts may issue a confiscation order in relation to:   * Any economic advantage received by the accused, directly or indirectly, as a result of the commission of illegal activities or a money laundering offence; * the amount of proceeds the accused obtained as a result of the commission of a predicate offence (as defined in the AML Law), whether committed by the accused or by another person; and * any property used or intended to be used in any manner, wholly or in part, in the commission of a predicate offence.   The proceeds of crime can be confiscated as well as property of a corresponding value belonging to the accused person. Predicate offences according to the AML Law are all offences punishable with more than one year imprisonment as a result of which proceeds have been derived.  The AML/CFT Law also contains provisions for the appointment of a Receiver both at the stage of freezing assets as well as at the stage of enforcement of a confiscation order.  **Does your country have legislative frameworks to promote intelligence-led law enforcement (the use of special investigative techniques such as surveillance and interception of communications) to combat contemporary forms of slavery?**  Law 12(1)/2020 on Protecting the Privacy of Private Communication (Communication Intercepts and Access to Record Content of Private Communication) enables police to wiretap communication of suspected traffickers. The Police must apply to Court for a surveillance order which is granted by the Judge upon satisfaction that there exists reasonable suspicion of human trafficking. Such orders are granted for a specific period of time and under specific circumstances, on the prospect of obtaining sufficient evidence so as to bring the matter before Court.  **Given the human rights implications arising from intelligence-led law enforcement (such as the rights to privacy and a fair trial), do these legislative frameworks provide for sufficient safeguards against abuse (e.g. judicial or other approval and oversight and grievance mechanisms in case of an abuse of process)?**  Surveillance orders are granted on specific conditions. Prior to issuing such orders the Judge must consider all factors including the right to privacy and the right to a fair trial among other considerations and set parameters and conditions in order to ensure safeguards are in place.  **Does your country also support civil asset recovery without criminal conviction? If so, please provide details including any safeguards in place.**  As far as we are aware at this time there is nothing specific in place supporting civil asset recovery without a criminal conviction.  **How does your country deal with corruption and obstruction of justice committed by organised criminal groups in relation to contemporary forms of slavery?**  The Law Ratifying the Criminal Law Convention on Corruption, Law 23 (III) 2000 as amended transposes the provisions of the Criminal Law Convention of Corruption 1999 aligning Cyprus law with best practice in the field of bribery of foreign public officials, the private sector and money laundering of proceeds from corruption offences. The law specifically deals with active and passive bribery of domestic public officials including bribery of judges and officials of international courts. The maximum penalty for each of the offences is 7 years imprisonment. Cyprus has not faced any cases concerning corruption or obstruction of justice by organized criminal groups in relation to contemporary forms of slavery.  **What legislative and other mechanisms are in place to protect witnesses in criminal proceedings involving organised criminal groups?**  During criminal proceedings, the Prosecution may request the Court to take specific measures to protect the victim, as a prosecution witness, according to the provisions of the Witness Protection Law of 2001 (Law 95/2001), where it considers that the conditions set out in the above Law are met. Furthermore, the Attorney General of the Republic has the discretion, if the conditions set out in the Witness Protection Law 2001 are met, to include the victim or any other person (such as family members of the victim) in the Witness and Collaborators of Justice Protection Scheme and to determine what kind of protection must be given to them. Protection may also be provided to members of NGOs or other organisations aiding the victim/ witness in order to safeguard the criminal proceedings against the threat of reprisals or intimidation.  For the purpose of protecting the victim and / or avoiding any influence over their testimony, the victim may, where possible, be accompanied by members of the Police when he or she appears in court to testify as a prosecution witness. The Police have the obligation to inform the victim about the non-pre-trial detention or release of a suspect or accused person, or the acquittal of an accused person if it is deemed that the said victim may be in danger.  Victims are also protected from prosecution and are not subject to sanctions for their participation in criminal activities, since their participation was a direct consequence of the fact that they were victims of the offenses provided by The Law on the Prevention and Combating of Trafficking and Exploitation of Persons and the Protection of Victims Law 60(I)/2014.  **Does your country make use of international cooperation tools to tackle transnational organized crime as it relates to contemporary forms of slavery (e.g. Mutual Legal Assistance, joint investigations, extradition, etc…)? Please provide details.**  The Cyprus authorities have a strong international collaboration to tackle transnational organized crime as it relates to modern slavery and trafficking.  During 2019-20 the Cypriot police issued nine European arrest warrants resulting in six European arrest warrants being executed in cooperation with Greek and Romanian authorities.  The Cyprus authorities have also used joint investigations in many cases successfully. The Government has implemented joint investigations with British, Cameroonian and Polish authorities and has participated in a EUROPOL operation.  In 2017 Cyprus police was part of a Joint Investigation Team in which simultaneous operations took place and the main suspect of a large, organized group for trafficking women for the purpose of sexual exploitation was arrested and put into custody. Consequently, one victim of trafficking was identified in Cyprus and eight in Bulgaria, leading to the conviction of two traffickers on 26 March 2019.  During 2019 the Cypriot police was also taking part in the investigation of a high-profile human trafficking case for the purpose of forced marriage with the Polish and UK authorities.  The government has executed three international investigations related to trafficking, one from Poland, and two from Romania, and has issues European arrest warrants for two Bulgarian nationals and international arrest warrants for an Indian national and a Pakistani national for trafficking. (source TIP Report 2020)  In relation to mutual legal assistance requests, the Office for Combatting human trafficking has received and executed five mutual legal assistance requests and four European Investigation Orders since 2015. Two European Investigation Orders were received from the Romanian authorities requesting the location two witnesses in trafficking cases – who were able to provide testimony through a secure video line before a Romanian Judge.  The Cyprus Police have also sent one mutual legal assistance request for execution to the Philippine authorities. |