

A Paradox or a Long-Standing Reality? A Pandemic Within A Pandemic

ANDREA MANOLI¹

Abstract

COVID-19 has led to an abrupt change in the time spent self-isolated in our domestic residence. The introduction of self-isolation or lockdown measures have increased domestic violence significantly. The Republic of Cyprus has implemented stay-at-home measures which saw a rise of approximately 30% of domestic violence incidences. It is thus of outmost importance to acknowledge the long-standing pandemic which was once again unearthed due to the COVID-19 pandemic. Bearing in mind the above, the current paper will identify and analyse the international, regional, and national legal framework which aims at preventing, protecting, and combating domestic violence. The terrifying increase of domestic violence during the pandemic has showed an increased demand in empowering women, mothers and children by spreading awareness with regard to the tool-box available for the prevention, protection, and combat against domestic violence.

Keywords: domestic violence, human rights, COVID-19, Istanbul Convention, violence against women

Introduction

Measures announced over the Island of Cyprus in an effort to tackle the pandemic have altered the everyday life of people dramatically. Unintended negative consequences arose bringing new challenges or unearthing long-standing ones. The multifaceted impact of the much-needed and well-intended measures in Cyprus increased physical and psychological risks, while businesses and the economy in general were hit hard. Throughout self-isolation, lockdowns and curfews, women, children, and their mothers remained extremely vulnerable, revealing once more the legal as well as the socio-legal deficiencies of the law, at the expense of the victims of domestic violence. During the COVID-19 pandemic, the President of the Republic of Cyprus (RoC) addressed its people claiming that we are up against an

¹ PhD Candidate, Associate Lecturer, UCLan.

‘invisible enemy’.² Having in mind all the above, it seems clear that coronavirus was not the only ‘invisible enemy’. Society has been facing a long-standing, invisible enemy which is deep-rooted and fed by the unequal power dynamic between the genders. The enemy of domestic violence is defined as ‘all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim’.³ Bearing in mind the different *de facto* and *de jure* administrative jurisdictions in the island of Cyprus, it is worth mentioning that the United Nation Force in Cyprus (UNFICYP) reported an increase of domestic violence incidents by 58% from the middle of March until 22 April 2020.⁴ More specifically and after independence the Republic of Cyprus had to coexist and cooperate with the Sovereign Base Areas (SBAs) following the Cyprus Act 1960. After the inter and intra-state conflict, the Constitutional collapse in 1963 and finally the Turkish invasion and occupation the *de facto* jurisdiction of the UN Buffer Zone and the so called ‘TRNC’ which is administered by Turkey was established.

Non-governmental organisations (NGOs) have also reported an increase in domestic violence within the (RoC) in May 2020. More specifically, the Association for the Prevention and Handling of Violence in the Family (SPAVO) reported that there is a rise of 30% of domestic violence cases.⁵ In the area which has been *de facto* administered by the Turkish Cypriot community since the Turkish invasion and occupation of 1974, the situation seemed to be even worse. More specifically, the

² Γραφείο Τύπου και Πληροφοριών, ‘Διάγγελμα του Προέδρου της Δημοκρατίας κ. Νίκου Αναστασιάδη, 23/03/2020’ (23/03/2020), available at https://www.pio.gov.cy/coronavirus/press/23032020_12.pdf (last accessed 5 September 2020); See translation here: Republic of Cyprus, “The President of the Republic, Mr Nicos Anastasiades, addresses the Cyprus people on Coronavirus, 23/03/2020” available at <https://www.presidency.gov.cy/cypresidency/cypresidency.nsf/All/01801183804A4B28C22585D-F0035884F?OpenDocument> (last accessed on 22 July 2021).

³ Council of Europe, Amnesty International, *The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence*, Article 3(b), available at <https://www.refworld.org/docid/548165c94.html> (last accessed 5 September 2020).

⁴ UNFICYP, ‘Domestic Violence and COVID-19’ (Technical Committee on Gender Equality, 6 May 2020), available at https://unficyp.unmissions.org/domestic-violence-and-covid-19?fbclid=IwAR1T-TJJPxGwf115a3jwKrfCyiQ7VVUC_qIS996PYnDdmsr-TBtK0ZIkKhk_Wc (last accessed 5 September 2020).

⁵ In Cyprus, ‘Sharp Rise in Domestic Violence Amid Covid-19 Outbreak’ *in-cyprus* (2 April 2020), available at <https://in-cyprus.philenews.com/sharp-rise-in-domestic-violence-amid-covid-19-outbreak/> (last accessed 5 September 2020).

calls to helplines reportedly increased up to 10 times during lockdown.⁶ Nevertheless, when it comes to the recording of domestic abuse victims are often reluctant to file a complaint, despite the evident problem. This has been attributed to many reasons, which include, but are not limited to, fear, patriarchy, and other social peculiarities and inter-gender stereotypes. Of course, the scale of domestic violence incidents would have been much greater if this dark figure were absent. Yet, this is not the case.

While domestic violence affects everyone, statistics show that it disproportionately affects women and children on a larger scale. For that reason, international, regional, and national legal frameworks seek to prevent, protect against, and combat the phenomenon of domestic violence while prioritising victims' rights. Violence against women is now tackled through various international frameworks. One of the most important of those frameworks is the Convention of the Council of Europe on preventing and combating violence against women and domestic violence, also known as the 'Istanbul Convention'. As a member of the European Union (EU) and the Council of Europe on a national level, the (RoC) is a signatory party to the Istanbul Convention and has established the framework which protects individuals from violence. The Republic have ratified the Istanbul Convention through Law 14(III)/2017 in 28 July 2017.⁷ Despite modern perceptions and the theoretical disengagement of the institution of family from the patriarchal norms and the androcentric power, in the year 2020 females continue to be enslaved and ill-treated within the family setting. Thus, it is of particular importance to raise awareness by any means through informing and reminding victims of domestic violence about their rights. While their rights are covered by international, regional, and national law, 67% of victims did not report the most serious incident of partner violence to the police or any other organisation. By considering all the above, the current paper will examine the international, regional, and national legal framework of tackling domestic violence. Protecting the basic human rights of individuals is at the core of any European, democratic State which respects the rule of law.

More specifically, the first part of the paper will analyse The Violence in the Family (Prevention and Protection of Victims) Law of 2000 (119(I)/2000), before moving on to the international framework. The paper will then focus on the Istanbul

⁶ UNFICYP (no 3).

⁷ Ο περί της Σύμβασης του Συμβουλίου της Ευρώπης για την Πρόληψη και την Καταπολέμηση της Βίας κατά των Γυναικών και της Ενδοοικογενειακής Βίας (Κυρωτικός) Νόμος του 2017 (Ν. 14(III)/2017) http://www.cylaw.org/nomoi/arith/2017_3_014.pdf last accessed on 22 July 2021.

Convention and briefly identify the connection of the vicious phenomenon of domestic violence with the European Court of Human Rights (ECtHR) and thus with the European Convention on Human Rights (ECHR). Since the RoC –which is the focus of the current paper– is a member State of the EU, the Directive 2012/29/EU aiming at reinforcing victim’s rights throughout all stages of the criminal process will be analysed. As the current paper constitutes a reminder to victims of domestic violence in Cyprus that they do have a voice, the author will not engage on an overly legalistic analysis but will rather provide a simplified presentation and identification of the legal frameworks that are available to women, mothers, and children in the island of Cyprus.

The Cypriot Legal Framework: The Violence in the Family (Prevention and Protection of Victims) Law of 2000 (119(I)/2000)

As with many legal frameworks in the RoC, the legal framework concerning domestic violence has not been consolidated in a single legislative framework. Also, although there is no specific law on violence against women in Cyprus, most forms of gender-based violence are criminalised under the Violence in the Family (Prevention and Protection of Victims) Laws. Since the early 90s, and pursuant to several laws, criminal courts and family courts have exclusively resolved domestic violence-related criminal and civil disputes respectively.⁸ Criminal law provisions are contained within Law 119(I)/2000 on Violence in the Family (Prevention and Protection of Victims) which has been subject to four amendments. Thus, one should read the 2000 Law in conjunction with the Criminal Code 1959 (Cap. 154) to develop an adequate understanding of the law protecting victims of domestic violence.⁹ Sections 2 and 3 of the 2000 Law contain definitional aspects directly related to the content of the Law. According to the Law, violence means any act, omission, or conduct which causes physical, sexual, or mental harm to any member of the family and includes the violence exercised to achieve sexual intercourse without the consent of the victim, as well as the restriction of that person’s liberty.¹⁰ The Law offers

⁸ Anna Plevri, “Domestic violence in Greek and Cypriot Legal System”, Greek Law Journal “Civil Law Applications”, Vol. 07/2015, pp. 591-609, Nomiki Bibliothiki Publications, Cypriot Law Journal “Review of Family Law”, Vol. 3/2015 (July-September 2015), pp.7-29 (in Greek).

⁹ Ibid.

¹⁰ Cyprus, Domestic Violence (Prevention and Protection of Victims) Law, 119(I) and 212(i)(Ο Περί Βίας στην Οικογένεια – Πρόληψη και Προστασία Θυμάτων – Νόμος του 2000) 119(I)/2000, Articles 2-3 (in Greek) < http://www.cylaw.org/nomoi/enop/non-ind/2000_1_119/full.html > last accessed on

special protection to underage individuals as those are defined under section 2, i.e., any person below the age of 18. Additionally, to the definition of ‘violence’ in section 3(1) of the Law, subsections (2) and (3) specify the offences referred to in sections 4(2) and 5 of the current Law, as well as the offence referred to in Article 147 (incest), 174 (intercourse with young male under 13 years of age), 175 (bestiality) and 177 (indecenty) of the Criminal Code. When the offences specified in Articles 174, 175 and 177 of the Criminal Code are committed in the presence of a minor member of the family, then this amounts to psychological violence against the said minor and is punishable under subparagraph (4) of this section. When the offences of Articles 151-155, 171-173, 231, 234 and 242 of the Criminal Code are committed by a family member against another member, they shall be considered to be of increased seriousness, and higher penalties which have been enumerated in section 4 of the current Law will be imposed. To translate the offences of the Criminal Code 1959 mentioned above, the English text of the 1959 text was used. The author of the current paper strongly disagrees with the language of the Criminal Code 1959 due to the lack of gender-neutral terms and the projection of harmful inter-gender stereotypical demeanours, which promote repeated victimisation and stigmatisation. Nevertheless, such criticism is excluded from the scope of the current paper. Section 151 and 152 criminalise indecent assault on females and males respectively, while sections 153-155 criminalise the corruption of girls under thirteen years of age, girls between thirteen and sixteen years of age, and of a person with mental or intellectual disability. Sections 171-173 also criminalise intercourse between men below the age of seventeen, intercourse with violence, and attempts thereof, respectively. Section 231 provides for grievous bodily harm and section 234 provides for wounding and similar acts. Section 242 deals with common assault. Compared to the corresponding Article of the Criminal Code, the 2000 Law has increased penalties to pair the seriousness of these offences.

Part III of Law 119(I)/2000, which contains Articles 6-8, refers to auxiliary, guidance and counselling institutions that aim to tackle domestic violence, support affected family members, report incidents prescribed by law, and enable the police and the judicial authorities by enhancing the procedures. Part IV provides for the testimonies of witnesses and victims. More specifically, Article 9 specifies that the

22/06/2021; translation available at M. Ioannidou, “Victim Support Services in the EU: An overview and assessment of victims’ rights in practice: Cyprus, 2014” (FRANET, First Elements Euroconsultants Ltd) 19 < https://fra.europa.eu/sites/default/files/fra_uploads/country-study-victim-support-services-cy.pdf > last accessed on 22/06/2021

testimony of a victim and/or victims shall be taken by a police officer of the same sex, unless otherwise requested by the victim of the family counsellor when the victim is a minor.¹¹ In its turn, Article 10 contains extensive rules regarding video-recorded statements by victims or witnesses of crimes under the present Law.¹² Nevertheless, the submission of a video-recorded statement will not be granted if the person whose testimony was videotaped cannot appear in court for cross-examination; if the rules contained in Article 11 for the receiving of such testimony have not been complied with; if the court, exercising its discretion and after having taken into consideration the facts of each case considers that the submission of a video-recorded testimony is not in the best interest of the administration of justice.¹³ Alongside the video-recorded testimony, a typed script should also be submitted.¹⁴ As stated above, Article 11 regulates the rules for the obtaining of the video-recorded statement. The rules contain the name, address, occupation, and status of the person taking the statement as well as of the person handling the video camera. All the information should be mentioned or indicated before the beginning of the recording: such as¹⁵ the place, date and time of commencement of the receipt of the testimony, as well as the time at which the statement will have expired, and also¹⁶ the name, address, occupation and other information related to the person giving the testimony.¹⁷ Finally, the statement should be signed by the person giving the testimony and from the person receiving it.¹⁸ This provision does not apply in the case of an unaccompanied minor.¹⁹ In the case where the rules have not been followed, the Court may allow, or disallow, the submission of a part of the testimony under Article 12. In cases where a visualised testimony has been submitted under Article 10 of the Law, the person whose testimony was video recorded shall be called upon as a witness from the party which requested the submission of such testimony for

¹¹ *Ibid.*, Article 9.

¹² *Ibid.*, Article 10.

¹³ *Ibid.*, Article 11.

¹⁴ Anna Plevri, "Domestic violence in Greek and Cypriot Legal System", Greek Law Journal "Civil Law Applications", Vol. 07/2015, pp. 591-609, Nomiki Bibliothiki Publications, Cypriot Law Journal "Review of Family Law", Vol. 3/2015 (July-September 2015), pp.7-29 (in Greek).

¹⁵ Law 119(I)/2000 (no 6) Article 11.

¹⁶ *Ibid.*

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ *Ibid.*, Article 11.

the purposes of cross-examination.²⁰ During the cross-examination, the provisions of Article 55 of the Criminal Procedure Code and Article 19 of the 2000 Law must be followed. A complaint filed by a victim of violence to any police officer, family counsellor, welfare officer, psychologist, physical or any other professional including any member of the Association for the Prevention and Treatment of Domestic Violence (SPAVO) or any family member can be considered evidence, contrary to Article 10 of the Criminal Procedure Code.

Part V of the Law provides for the discretionary powers of the procedure (i.e., reinforcing testimony or the lack thereof, prevention of bullying, spousal coercion) and the testimonies (of professionals, cross-examination). Part VI (Articles 21-25) are associated with the issuing of orders by a criminal court and the rehabilitation of the accused.²¹ The court still retains a great amount of discretionary power to decide upon the orders available under the Law. That said, orders include: removal of minors; a temporary restraining order; removal of the victim; a restraining order; guardianship; and suspension of imprisonment under special conditions.²² In its turn, Part VII established a 'Violence Victims Fund' which is administered by the Advisory Committee.²³ Furthermore, Part VIII provides for the establishment and operation of housing or shelters aiming at providing safe accommodation and protection to victims of domestic violence in Cyprus.²⁴ The same part provides for separate offences, such as the harassment of a victim or of a witness (Article 32).²⁵ The 2000 Law also provides for the prohibition of identification and disclosure of personal information, such as the name and address of the victim or a complainant, or of the person against whom the complaint has been made (Article 34).²⁶ Moreover, Article 35 prohibits the delivery, receipt or publication of evidence. Finally, Article 35A also specifies that if a person fails to report a case of violence against a minor or any other person with a serious mental impairment and/or disability this is considered a criminal offence.²⁷

Even though the RoC has established national plans to combat and prevent domestic violence (the first National Action Plan on Prevention and Combating of

²⁰ Ibid., Articles 11-13.

²¹ Ibid., Articles 21-25.

²² Ibid.

²³ Law 119(I)/2000 (no 6) Part VII.

²⁴ Ibid., Part VIII.

²⁵ Ibid., Article 32.

²⁶ Ibid., Article 34.

²⁷ Ibid., Article 35A.

Violence in the Family ran from 2010 to 2013 and the second National Action Plan ran from 2016 to 2019), women across the island still suffer from domestic violence. The phenomenon has become even more prominent during the pandemic, while many of the victims are largely unaware of the associations and/or other measures that are available for their protection. In Cyprus, SPAVO runs a free-of-charge multidimensional domestic-violence helpline (1440). There are two women's shelters for victims of domestic violence run by SPAVO, and they are accessible 24/7, free of charge. The Cyprus Police also provides a helpline for victims, the Citizens' Communication Line (1460). Similarly to 1440, 1460 operates 24/7 and is free of charge.

The Convention of the Council of Europe on Preventing and Combating Violence against Women and Domestic Violence - Istanbul Convention

As a member of the Council of Europe, the RoC is a signatory party to the Istanbul Convention on violence against women. Before signing the Convention, the Council of Europe had already promoted a number of initiatives for the protection of women against violence.²⁸ As years went by, the need to establish a strong international framework to protect women from violence became more evident. Thus, in 2008 the Committee of Ministers of Justice of the Council of Europe set up an expert group to draft a Convention aiming at setting common international standards to prevent and combat violence against women and domestic violence. Even though some countries proposed amendments to soften the language or even delete some of the paragraphs and provisions of the final draft, international human rights organisations such as = Amnesty International opposed such amendments claiming that they could weaken the treaty.²⁹ The Convention was finally signed in Istanbul on 11 May 2011; it includes 81 Articles arranged in different Chapters, and it handles violence against women, further acknowledging gender-based violence and domestic violence as a serious phenomenon that needs to be co-ordinately ad-

²⁸ Anna Plevri, Legal framework of violence against women in Cyprus and Greece – The Konstantinoupolis (Istanbul) Convention regarding violence against women, (in English), Europe in Crisis: Crime, Criminal Justice and the way forward, Essays in Honour of Professor Nestor E. Courakis (ISBN: 978-960-596-107-7), Vol. II., Ant. S.Sakkoulas Publications L.P.

²⁹ Amnesty International, *Time to Take a Stand: Amnesty International Opposes Amendments That Will Weaken the Council of Europe Treaty on Violence Against Women* (Amnesty International Publications, 2011), available at <https://www.amnesty.org/download/Documents/32000/ior610042011en.pdf> (last accessed 5 September 2020).

dressed worldwide. It constitutes the first legally-binding treaty in Europe which specifically refers to the long-standing phenomenon of violence against women. Several countries have signed but have yet to ratify the Convention (i.e., Armenia and Bulgaria), while 34 countries have done both. In 2017, the EU signed it as well. A latest development is that Turkey has “left” the Istanbul Convention.

Consequently, the birth of the Istanbul Convention gave rise to the first-ever legally binding set of guidelines which protects women and combats violence against them.³⁰ It shifts the burden of raising awareness about the phenomenon of gender violence on societies around the world and urges them to take effective preventive measures against that said violence to protect the victims and prosecute the culprits.³¹ The RoC signed the Convention on 16 June 2015 but did not ratify it until 10 November 2017. A year later, on 1 March 2018, the Convention came into force in the island of Cyprus. Due to the historical background of the ethnic conflict in Cyprus and the ongoing segregation of the two communities explained above, racism has spread across the Republic. There has been very little said or done to tackle discrimination, racism, and racist violence in Cyprus. Hate-related crimes are not properly documented by the Cyprus police. Consequently, NGO reports, newspapers and platforms constitute a dynamic source of information on cases of racist violence. As Corina Demetriou and Nicos Trimikliniotis state in their 2009 report for Cyprus, there is, generally speaking, a reluctance in Cyprus to classify incidents as being racist, as there is a pervasive denial of racism on the island.³² This denial affects the reporting cycle and gives rise to a high number of dark figures. Nevertheless, the Convention highlights that equality between genders will never be achieved if the State and its institutions turn a blind eye to the phenomenon. Moreover, it expressly specifies that violence against women is a violation of their basic

³⁰ Anna Plevri, *Legal framework of violence against women in Cyprus and Greece – The Konstantinoupolis (Istanbul) Convention regarding violence against women*, (in English), *Europe in Crisis: Crime, Criminal Justice and the way forward*, Essays in Honour of Professor Nestor E. Courakis (ISBN: 978-960-596-107-7), Vol. II., Ant. S.Sakkoulas Publications L.P.

³¹ United Nations Refugee Agency, United Nations Populations Fund and Women’s Refugee Commission, ‘Initial Assessment Report: Protection Risks for Women and Girls in the European Refugee and Migrant Crisis; Greece and the former Yugoslav Republic of Macedonia’ (2015), 7

³² Nicos Trimikliniotis and Corina Demetriou, ‘Tolerance and Cultural Diversity Discourses in Cyprus (Accept Pluralism, European University Institute, Florence, Robert Schuman Centre for Advanced Studies); Also see Corina Demetriou, ‘Report on Measures to Combat Discrimination: Directives 2000/43/EC and 2000/78/EC: Country Report 2010: Cyprus (European Network of legal experts in the non-discrimination field, 2010) 52 < <https://www.refworld.org/pdfid/4ed658c82.pdf> > last accessed on 22/06/2021

human rights and a form of discrimination.³³ Generally speaking, the Convention provides for a wide range of offences which includes psychological violence, stalking, physical violence, sexual violence, forced marriage, female genital mutilation, forced abortion, sterilisation, and honour crimes.

Chapter One contains the first 6 Articles that set out the purposes, scope, and definitions of the Convention (Articles 1-6). More specifically, Article 1 specifies that the purpose is set out to be the protection, prevention, prosecution, and elimination of violence against women, as well as the promotion of substantive equality between the genders, the designation of a comprehensive primary and/or secondary legislative framework, the promotion of international cooperation, and the support and assistance between organisations and law-enforcement agencies.³⁴ In order to ensure effective implementation of the provisions contained therein, the Convention established a specific monitoring mechanism which will be analysed below. Article 3 defines the terms ‘violence against women’, ‘domestic violence’, ‘gender’, ‘gender-based violence against women’, ‘victim’ and ‘women’. It thus follows that within the framework of the Convention, ‘violence against women’ is understood as a violation of human rights and a form of discrimination against women, and it encompasses all acts of gender-based violence whether occurring in a public or a private setting.³⁵ Moreover, as also stated in the introduction, ‘domestic violence’ is defined as all acts of physical, sexual, psychological, or economic violence that occurs in the family or domestic unit between former or current spouses or partners.³⁶ It is irrelevant whether or not the partners share or used to share the same residence. Domestic violence does not only address the women of the family but also the children, the men, and the elderly who are often the hidden and/or direct and indirect victims of the phenomenon either during lockdown due to a pandemic or otherwise. Researchers found a strong link between domestic violence against women and child physical abuse which includes trauma, nevertheless this is a separate issue which needs to be addressed also in the framework of children’s rights and international judgments and is thus outside the ambit of the current paper. Furthermore, the term ‘women’ is defined rather broadly as it includes girls under the age of 18.³⁷ Articles 4-6 define the provisions on equality and non-discrimi-

³³ Council of Europe (no 2).

³⁴ *Ibid.*, Article 1.

³⁵ *Ibid.*, Article 3.

³⁶ *Ibid.*

³⁷ Council of Europe (no 2) Article 3.

nation, while they also set the obligations of the State. More specifically, Article 5 obliges parties to take the necessary 'legislative and other measures to promote and protect the right for everyone, particularly women, to live free from violence in both the public and the private sphere'.³⁸ The article moves on to condemn all forms of discrimination against women, securing the rights of victims without discrimination based on any grounds, including their special characteristics. In its turn, Article 5 provides for the State's obligations to due diligence, namely to prevent, investigate, punish and provide reparations for acts of violence.³⁹ Nevertheless, the precedence given to Cyprus by the ECtHR evidences a particular form of institutional racism embedded in the law-enforcement institutions of the Republic, which is coupled with a lack of transparency.⁴⁰ Despite policies, synergies and networks, institutional racism and inappropriate recording,⁴¹ especially toward non-Cypriot women or women of colour, largely exists.⁴²

Chapter 2 of the Convention moves on to provide for integrated policies and data collection through articles 7-11. The Convention demonstrates that coordinated efforts are of particular importance, especially in policies which should encompass relevant preventive and combating measures and offer a holistic response to violence against women. Yet, as explained above, dark figures in reporting and, thus, in data collection remain high for several reasons, , including institutional racism. Articles 12-17 that form Chapter 3 set out the prevention policies. By engaging in a socio-legal approach, the Convention provides for the general obligations of the State: awareness raising, education, training of professionals, preventive intervention and treatment programmes, and participation of the private sector and the media in the effort to combat the vicious phenomenon of violence against women and domestic violence. Additionally, Article 12 provides for the general obligations of all concerned parties. The measures aim at promoting changes in the social and cultural patterns of behaviour between and among genders that could help eliminate

³⁸ Ibid., Article 5.

³⁹ Ibid.

⁴⁰ EuroMed Rights, 'Situation Report on Violence Against Women', available at <https://www.euromedrights.org/wp-content/uploads/2017/03/Factsheet-2017-VAW-Cyprus-EN.pdf> (last accessed 5 September 2020); In Cyprus, '15 Police Members Charged in Metaxas Murders Case' *in-cyprus* (4 June 2020), available at <https://in-cyprus.philenews.com/15-police-members-charged-in-metaxas-murders-case/> (last accessed 5 September 2020); *Rantsev v Cyprus and Russia*, Appl. no 25965/04(ECtHR, 10 October 2010).

⁴¹ *A.A. v The Republic* (2009) 2 A.A.Δ. 140 27/2/2009;

⁴² ENAR, ENAR's shadow report on racist crime and institutional racism in Europe (2018)

harmful stereotypical attitudes.⁴³ This is a particularly important provision as it sheds light to the misinterpretations and misunderstandings surrounding the phenomenon of violence against women and domestic violence based on stereotypes. Ranging from female genitalia mutilation to breast ironing, child-marriage, virginity tests and other ancient religious and/or cultural traditions, women, including young women, are faced with a never-ending cycle of violence. Nevertheless, this is not a non-European phenomenon as it is often thought to be. One in four women will experience physical and/or sexual violence by an intimate partner at some point in their life. As a matter of fact, 49 million women in Europe have experienced violence.⁴⁴ With an estimated 5,400 homicides against women between the ages of 15 to 49 in Europe, it is evident that this is not merely a phenomenon of the ‘uneducated’, ‘of the poor’ or the ‘underdeveloped’. This is another false stereotype which prevents many women in the Europe from reaching out for help.

Articles 13-17 specify these preventive measures to include awareness-raising, human rights education, the training of professionals, preventive intervention and treatment programmes, and the participation of the private sector and the media in the ‘invisible war’ against violence against women.⁴⁵ It is worth reading the provisions of Chapter 3, Article 42 of the Convention, which emphasises that the parties to the Convention

[...] shall take the necessary legislative or other measures to ensure that, in criminal proceedings initiated following the commission of any of the acts of violence covered by the scope of this Convention, culture, custom, religion, tradition or so-called “honour” shall not be regarded as justification for such acts. This covers, in particular, claims that the victim has transgressed cultural, religious, social or traditional norms or customs of appropriate behaviour.⁴⁶

In addition, Chapter 4 moves on to provide for the obligations of the parties to protect and support women who have encountered violence. Starting from Article 18 and finishing in Article 28, this Chapter enumerates the obligations of parties to adopt the necessary legislative or other measure to protect and support victims

⁴³ Council of Europe (no 2) Article 12.

⁴⁴ World Health Organization (WHO), ‘Violence Against Women’, available at <https://www.euro.who.int/en/health-topics/disease-prevention/violence-and-injuries/areas-of-work/violence/violence-against-women#:~:text=The%20prevalence%20of%20non%2Dfatal,the%20region%20have%20experienced%20violence.> (last accessed on 5 September 2020).

⁴⁵ Council of Europe, (no 2) Articles 13-17.0

⁴⁶ *Ibid.*, Article 42.

through adequate and timely information on available support services and legal measures in a language they understand; to ensure that such victims have access to services facilitating their recovery including legal, psychological, and financial services, as well as housing, education, training and employment; to assist victims with the application of regional and international, as well as individual and collective complaint mechanisms; to provide or arrange for, in an adequate geographical distribution, immediate, short and long-term specialist support services to victims; to provide appropriate and accessible shelters; to set up State-wide, free of charge, round-the-clock helplines with due regard to the anonymity of the callers; to provide appropriate and easily accessible support to victims of sexual violence; to offer protection and support to child witnesses; to encourage any person witness to the commission of acts of violence or who has reasonable grounds to believe that such an act may be committed or who is expected to report to the competent authorities and/or organisations.⁴⁷ The fact that the services offered do not depend on the willingness of a victim to legally move forward against any perpetrators is of the essence, as it allows victims to heal while they acknowledge and process their hardships, which could result in the unwillingness of some victims to move forward with charges. Effective cooperation between all relevant State agencies —including the judiciary including other law enforcement agencies and NGOs is of vital importance.

Chapter 5 of the Convention, Articles 29-48, provides for the substantive law. Article 29 deals with civil lawsuits and remedies.⁴⁸ More specifically, it obliges parties to set up the necessary primary and/or secondary legislation with adequate civil remedies against perpetrators and/or State authorities. Article 30 provides for the right to claim compensation for any of the offences established within the Convention.⁴⁹ Moreover, Article 31 covers custody and visitation rights while ensuring the safety of the victim and/or of any children in the family.⁵⁰ Furthermore, Article 32 ensures that parties will take the appropriate legislative and/or other measures to avoid, annul or dissolve any forced marriage cases without any undue financial or administrative burdens placed on the victim.⁵¹ Additionally, Articles 33 to 41 enlist the criminal offences which must be included within the national legislations

⁴⁷ *Ibid.*, Articles 18-28.

⁴⁸ *Ibid.*, Articles 29-48.

⁴⁹ *Ibid.*, Article 30.

⁵⁰ *Ibid.*, Article 31.

⁵¹ *Ibid.*, Article 32.

of the parties.⁵² More specifically, Article 33 begins with criminalising psychological violence by intentionally ‘seriously impairing a person’s psychological integrity through coercion or threats’.⁵³ Article 33 also criminalises stalking, which is the repeated ‘threatening conduct directed at another person, causing her or him to fear for her or his safety’.⁵⁴ Article 35 further refers to physical violence, which includes the ‘intentional conduct of committing acts of physical violence against another person’.⁵⁵ Moreover, Article 36 criminalises sexual violence, which includes rape (by penetration by any bodily part or object), marital rape and coercion to engage in non-consensual acts of a sexual nature with a third person.⁵⁶ According to Article 37, forced marriage of an adult or a child also constitutes an offence. In addition, Article 38 criminalises female genital mutilation (FGM), which includes the removal of the flesh (clitoridectomy and/or excision) without sewing the labia minora and/or majora together.⁵⁷ FGM is a rampant phenomenon in many regions and has preoccupied the legislature and the academia for many years. It includes the following intentional conducts:

- a) excising, infibulating or performing any other mutilation to the whole or any part of a woman’s labia majora, labia minora or clitoris;
- b) coercing or procuring a woman to undergo any of the acts listed in point a;
- c) inciting, coercing or procuring a girl to undergo any of the acts listed in point a.⁵⁸

As a phenomenon, FGM is a widespread, cruel practice in Africa and the Middle East with countries such as Somalia, Eritrea, Yemen, Gambia, Mali, Sudan, Ethiopia, Kenya, Iraq, Yemen, and Egypt being representative examples. The 2014-2015 UNICEF survey reported 38.4% prevalence of FGM amongst women and girls aged 15 to 49 and 10% amongst girls below the age of 14.⁵⁹ While this is a prominent phenomenon in Africa, the Middle East, and Asia, other forms of female genital mutilation have also been reported in other countries and among ethnic groups.⁶⁰ Fur-

⁵² Ibid., Articles 33-41.

⁵³ Ibid., Article 33.

⁵⁴ Ibid.

⁵⁵ Ibid., Article 35.

⁵⁶ Ibid., Article 36.

⁵⁷ Ibid., Article 38; also see United Nations Children’s Fund (UNICEF), *Female Genital Mutilation/Cutting: A Global Concern*, (New York, 2016); UNICEF, *Female Genital Mutilation/Cutting: A Statistical Overview and Exploration of the Dynamics of Change*, (New York, 2013).

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ Ibid.

thermore, the vast migration flows have increased the number of girls and women subjected to FGM in other regions and continents, such as Europe and Australia.⁶¹ Consequently, FGM has increasingly become more evident across different regions, including the European region. Article 39 moves on to deal with forced abortion and sterilisation, while Article 40 deals with sexual harassment which includes ‘any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment’.⁶² Aiding and abetting the commission of the offences established in Articles 33, 34, 35, 36, 37, 38a and 39 of the Convention is also an offence. Attempt to commit the offences established in Articles 35, 36, 37, 38a and 39 of the Convention also constitutes an offence under Article 41.⁶³ The criminal offences contained and/or established in the Convention are applicable irrespective of the nature of the relationship between victims and perpetrators. Article 46 further provides for aggravating circumstances and includes an offence committed against a former or current spouse or partner by a member of the family and/or a cohabitant, against a vulnerable person or in the presence of a child.⁶⁴

Moreover, acknowledging the importance of cooperation between countries, and in particular between the parties to the Convention in combating violence against women, Article 47 provides for the possibility of considering sentences passed by another party in relation to the offences established in accordance with the Convention. Of course, under EU law, Member States of the Union are obliged to take into account convictions passed in other EU countries.⁶⁵ Thus, a decentralised system for exchanging information about previous convictions, namely the European Criminal Records Information System (ECRIS), was set up in 2012 to aid effective cooperation.⁶⁶ However, ECRIS allows the authorities to only obtain information

⁶¹ Ibid.

⁶² Council of Europe (no 2) Articles 39-40.

⁶³ Ibid., Article 41.

⁶⁴ Ibid., Article 46.

⁶⁵ Council of the European Union, ‘Council Framework Decision 2008/675/JHA of 24 July 2008 on Taking Account of Convictions in the Member States of the European Union in the Course of New Criminal Proceedings’ (15 August 2008) L 220 *Official Journal of the European Union* 32–34.

⁶⁶ European Commission, ‘European Criminal Records Information System (ECRIS)’, available at https://ec.europa.eu/info/law/cross-border-cases/judicial-cooperation/tools-judicial-cooperation/european-criminal-records-information-system-ecris_en 9last accessed 5 September 2020).

on EU nationals, thus excluding non-EU nationals.⁶⁷ To fill this gap, the European Commission proposed a Regulation to establish a centralised system in 2017.⁶⁸ The system which reached agreement in 2019 is expected to be fully operational by 2022.⁶⁹ Consequently, having the provisions contained in Article 47 become fully functional is still a long way to go. The final provision of Chapter 5, Article 48, provides for the prohibition of mandatory, alternative dispute-resolution process, including mediation and conciliation.⁷⁰

Articles 49-58, which form Chapter 6, set up procedural aspects of the Convention, including investigation, prosecution, procedural law, and protective measures. Article 52 gives the power to competent authorities to order, in situations of immediate danger, a perpetrator of domestic violence to vacate the residence of the victim or person at risk to prohibit contact between victims and/or people at risk with the perpetrators.⁷¹ The specific article essentially prioritises the safety of the victims or people at risk. Furthermore, Article 53 ensures that parties to the Convention guarantee the legislatively appropriate restraining or protection orders to victims subjected to all forms of violence.⁷² Article 54 also protects the personal information of victims in civil or criminal proceedings relating to the sexual history and conduct of the victim.⁷³ Importantly, Article 55 specifies that the offences established in accordance with Articles 35, 36, 37, 38 and 39 of the Convention shall be carried out even if the victim withdraws her or his statement or complaint.⁷⁴ More measures of protection are included in Article 56, while Article 57 deals with the right to legal assistance and free legal aid.⁷⁵

Additionally, Chapter 7, Articles 59-61, establishes specific provisions with regard to migration and asylum, and includes residential status, gender-based asylum claims, and non-refoulement.⁷⁶ Chapter 8, Articles 62-65 deals with international cooperation in preventing, combating, prosecuting, protecting, investigating, and

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ Council of Europe (no 2) Article 48.

⁷¹ Ibid., Article 52.

⁷² Ibid., Article 53.

⁷³ Ibid., Article 54.

⁷⁴ Ibid., Article 55.

⁷⁵ Ibid., Articles 56-57.

⁷⁶ Ibid., Articles 59-61.

enforcing the relevant law.⁷⁷ The Chapter not only seeks to achieve a uniform and joint mechanism, but also seems to be far reaching, as it considers a number of factors which include but are not limited to legal pluralism, cultural barriers, and State prioritisation. Chapter 9 further establishes a monitoring mechanism through Articles 66-70. A group of experts referred to as 'GREVIO' is entrusted with the monitoring of the implementation of the Convention by the Parties.⁷⁸ In GREVIO's first General Activity Report, the focus section, which includes the first trends and challenges emerging from the country monitoring, does not refer to Cyprus at all. This is understandable though, as the Convention only came into force on 1 March 2018, which suggests that the challenges emerging in Cyprus are expected to be seen in future reports. Of course, when the time comes, the report should include the terrifying increase of domestic-violence incidents during the pandemic, as the pandemic unearthed many national and international deficiencies. Nevertheless, the report is particularly enlightening, as it contains a number of important challenges which need to be addressed by Member States. Article 67 also establishes the Committee of the Parties which is composed by the representatives of the Parties to the Convention.⁷⁹ Practically, parties shall submit to the Secretary General of the Council of Europe, based on the questionnaire prepared by GREVIO, which is a report on legislative and other measures giving effect to the provisions of the Convention. GREVIO will then move on to consider the report and evaluate the procedure which is divided into rounds. GREVIO may also receive information from NGOs and the civil society, as well as from national institutions protecting human rights, and adopt, where appropriate, general recommendations on the implementation of the Convention. National parliaments shall be invited to participate in the monitoring of the measures. Nevertheless, as it is the case with many other committees, the monitoring is largely dependent on cultural relativism, social understandings, and priorities of each State. It is an inter-relationship of trust, which can easily be hindered, especially in the case of the island of Cyprus, as institutional racism and other forms of human right violations are deeply embedded not only in the backbone of society, but also of the organs of the State. Article 71 in Chapter 10, emphasises that the Convention shall not affect obligations of parties arising from other hard

⁷⁷ Ibid., Articles 62-65.

⁷⁸ Council of Europe, Istanbul Convention Action against violence against women and Domestic Violence, 'General Reports on GREVIO's Activities' (2020), available at <https://www.coe.int/en/web/istanbul-convention/grevio-annual-reports> (last accessed 5 September 2020).

⁷⁹ Council of Europe (no 2) Article 67.

laws.⁸⁰ Simultaneously, Article 73 in Chapter 12 states that the Convention shall not prejudice against or in favour of the provisions on national laws and binding international instruments which are already in force or may come into force, and which contain more favourable rights in preventing and combating violence against women and domestic violence.⁸¹ Any potential disputes that may arise concerning the application or interpretation of any of the provisions of the Convention shall be first resolved through negotiation, conciliation, arbitration or any other methods of ‘peaceful settlement accepted by mutual agreement between’ the disputed parties.⁸² Finally, when one is considering the long-standing ‘Cyprus problem’ but also the difference *de jure* jurisdictions as explained in *Bashir* case,⁸³ and thus the different *de facto* and *de jure* administrative jurisdictions within the Cyprus, Article 77 is of particular importance. This article clarifies that ‘any State or the European Union may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply’.⁸⁴

Domestic Violence as an Issue Under the ECtHR: A Brief Overview

The Istanbul Convention repeatedly emphasises that gender-based violence is a human rights issue. It is thus unsurprising, yet quite troubling, that there is a large number of domestic-violence applications before the ECtHR.

[T]he issue of domestic violence, which can take various forms ranging from physical to psychological violence or verbal abuse ... is a general problem which concerns all member States and which does not always surface since it often takes place within personal relationships or closed circuits and it is not only women who are affected. The [European] Court [of Human Rights] acknowledges that men may also be the victims of domestic violence and, indeed, that children, too, are often casualties of the phenomenon, whether directly or indirectly [...]⁸⁵

⁸⁰ *Ibid.*, Article 71.

⁸¹ *Ibid.*, Article 73.

⁸² *Ibid.*, Article 74.

⁸³ *R (on the application of Tag Eldin Ramadan Bashir and others) v Secretary of State for the Home Department* [2018] UKSC 45 < <https://www.supremecourt.uk/cases/uksc-2017-0106.html> > last accessed on 22/06/2021

⁸⁴ Council of Europe (no 2), Article 77.

⁸⁵ *Opuz v Turkey*, Appl. no 33401/02 (ECtHR, 9 June 2009), para 132, available at <https://www.refworld.org/cases,ECHR,4a2f84392.html> (last accessed 5 September 2020).

According to the ECHR, domestic violence violates a considerable number of human rights. When a State fails to protect a victim one way or another, a domino effect on human rights is triggered. More specifically, in *Kontrova v Slovakia*, the applicant initially filed a criminal complaint against her husband,⁸⁶ but later withdrew the complaint, escorted by her husband. The husband then shot dead the children of the family, thereupon the applicant claimed that the police failed to take appropriate action to protect the victims, even though they were allegedly aware of her husband's behaviour.⁸⁷ The ECtHR held that there had been violations of Article 2 (right to life) and Article 13 (right to an effective remedy) due to the failure of the authorities to protect the victims' lives and to offer the possibility to the complainant to apply for compensation.⁸⁸ The Court has accepted that, as a gender-based type of violence, domestic violence also violates Article 3 (prohibition of inhuman or degrading treatment), Article 14 (prohibition of discrimination),⁸⁹ Article 8 (right to private and family life),⁹⁰ and Article 6 (right to a fair trial).⁹¹ The issue of the protection of one's property under Article 1 of Protocol No. 1 in domestic abuse cases has been also raised before the Court.⁹²

However, as seen by the previous section, GREVIO is granted the ability to receive individual complaints through the Istanbul Convention, potentially creating a tension between GREVIO and the ECtHR over precedence. The ECtHR has been particularly influential worldwide through its case laws on international human rights. Before the Istanbul Convention, the ECtHR would have definitely been the defining body to address cases of gender-based violence on a legally-binding basis.

⁸⁶ *Kontrova v Slovakia*, Appl. no 7510/04 (ECtHR, 31 May 2007), available at <https://hudoc.echr.coe.int/eng#%22itemid%22:%22001-80696%22> (last accessed 5 September 2020).

⁸⁷ *Ibid.*

⁸⁸ *Ibid.*

⁸⁹ *Talpis v Italy*, Appl. no 41237/14, (ECtHR, 21 March 2017), available at <http://hudoc.echr.coe.int/eng?i=001-171508> (last accessed 5 September 2020); *Halime Kilic v Turkey*, Appl. no 22492/93 (ECtHR, 28 March 2000).

⁹⁰ *E.S. & Ors v Slovakia*, Appl. no 8227/04, (ECtHR, 15 September 2019), available at <https://hudoc.echr.coe.int/eng-press#%22itemid%22:%22003-2848516-3137536%22> (last accessed 5 September 2020).

⁹¹ *D.M.D. v Romania*, Appl. no 23022/13 (ECtHR, 22 March 2013); *Wasiewaska v Poland Application*, Appl. no 28975 and 33406/04 (ECtHR, 23 February 2010), available at <https://hudoc.echr.coe.int/eng-press#%22itemid%22:%22003-3042405-3360132%22> (last accessed 5 September 2020).

⁹² *J.D. and A v the United Kingdom*, Appl. no 32949/17 and 34614/17 (ECtHR, 24 February 2020), available at <https://hudoc.echr.coe.int/eng#%22itemid%22:%22001-196897%22> (last accessed 5 September 2020).

As legal developments move forward, so does the ECtHR. It is for this reason that the Court has made references to the Istanbul Convention, presenting it as a set of guidelines, while determining the responsibilities of the Parties in domestic-violence cases at the same time. Whether a relationship of complementary inter-dependence has been created amongst the two without contradicting the ECHR is still unclear.⁹³ Nevertheless, whether there will be tension or not between the ECtHR and GREVIO after the latter begins to decide individual complaints remains to be seen.⁹⁴ However, a potential difference and/or tension can be resolved through Article 71 of the Istanbul Convention mentioned above. It can be argued that between drafting the Istanbul Convention and granting powers to GREVIO, Article 71 strove to resolve a potential conflict..

The European Directive 2012/29/EU on Establishing Minimum Standards on the Rights, Support and Protection of Victims of Crime

Human rights values are not only protected by the Council of Europe, but EU Member States, such as the Republic of Cyprus, agree to respect, among other things, the rule of law under Article 2 of the Treaty of the European Union (TEU). According to the latter,

[...] the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.⁹⁵

Thus, Member States bear the responsibility to protect and promote human rights values, including gender equality. As mentioned above, the *Council of Eu-*

⁹³ *Volodina v Russia*, Appl. no 41261/17, (ECtHR, 9 July 2019), para 60, available at [https://hudoc.echr.coe.int/fre#{%22itemid%22:\[%22001-194321%22\]}](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-194321%22]}) (last accessed 5 September 2020); *Talpis v Italy*, Appl. no 41237/14 (ECtHR, 21 March 2017), available at <http://hudoc.echr.coe.int/eng?i=001-171508> (last accessed 5 September 2020); *Halime Kilic v Turkey*, Appl. no 22492/93 (ECtHR, 28 March 2000).

⁹⁴ Gizem Guney, "The Group of Experts Under the Istanbul Convention on Preventing and Combating Violence Against Women and Domestic Violence and the ECtHR: Complementary or Contradictory Tools?" (*European Journal of International Law*, 31 March 2020), available at <https://www.ejiltalk.org/the-group-of-experts-under-the-istanbul-convention-on-preventing-and-combating-violence-against-women-and-domestic-violence-and-the-ecthr-complementary-or-contradictory-tools/> (last accessed 5 September 2020).

⁹⁵ European Union, Treaty on European Union (Consolidated Version), Treaty of Maastricht, 7 February 1992, Official Journal of the European Communities C325/5

rope Convention on Preventing and Combating Violence against Women and Domestic violence signed by the EU is pending ratification. On an EU level, victim's rights are reinforced at all stages of the criminal process through the Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012, establishing minimum standards on the rights, support, and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.⁹⁶ The Directive sets the minimum standards on the rights, support, and protection of victims of gender-based violence. More specifically, the Directive begins with definitional aspects, which include the definition of a victim as:

- (i) a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence;
- (ii) family members of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person's death.⁹⁷

There is a distinction made between family members of a victim whose death has been caused by a criminal offence and family members of victims who do not fall under the definition of victims under Article 2.

Chapter 2, which is formed by Articles 3-9, contains provision on information and support such as the right to understand and to be understood, emphasising the inter-dependence of the legally-censored phenomenon with culture once more.⁹⁸ Article 4 specifically provides for the rights to receive information from the first contact with a competent authority.⁹⁹ It essentially places the burden on the Member State to ensure that victims are offered essential information without any unnecessary delays. This information includes: the type of support they can obtain and from whom; the procedures for making complaints; information of protection measures; information on legal advice, legal aid and any other sort of advice; compensation; entitlement to interpretation and translation; special measures, procedures or arrangements which are available to protect their interests in the Member State; the procedures for making complaints where the rights of the victims and/or complainants were not respected by the competent authority operating within the

⁹⁶ The European Parliament & The Council of the European Union, 'Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 Establishing Minimum Standards on the Rights, Support and Protection of Victims of Crime, and Replacing Council Framework Decision 2001/220/JHA' (14 November 2012) L315/57 *Official Journal of the European Union*.

⁹⁷ *Ibid.*

⁹⁸ *Ibid.*, Articles 3-9.

⁹⁹ *Ibid.*, Article 4.

context of criminal proceedings; the available restorative justice services; and the expenses incurred as a result of their participation in the criminal proceeding and reimbursements.

Moreover, Articles 5 and 6 guarantee the rights of the victims when making a complaint, as well as the right to receive information about their case, respectively. Article 7 further provides for the right to interpretation and translation, while Article 8 ensures the right to access victim-support services. In addition, Article 9 sets the minimum standards of support which ought to be provided by victim-support services and includes emotional and psychological support, information about specialist support, help with financial and practical issues caused by crime, as well as the prevention of repeated victimisation, intimidation and retaliation.¹⁰⁰

Chapter 3, which includes Articles 10-17, provides for the rights of individuals participating in criminal proceedings, including the right to be heard, the rights in the event of a decision to not prosecute, right to safeguards in the context of restorative justice services, the right to legal aid, the right to reimbursement of expenses, the right to the return of property, the right to decision on compensation from the offender in the course of criminal proceedings and the rights of victims residing in another Member State.¹⁰¹ In its turn, Chapter 4, which contains Articles 18-24, specifically addresses the rights of the victims and the recognition of victims with specific protection needs.¹⁰² The right to protection shall be ensured; the victims and family members will be protected from repeated victimisation, intimidation and retaliation. The necessary conditions, i.e., video recordings, must be set up to ensure the right to avoid contact between victims and offenders within the premises where criminal proceedings are conducted, unless the criminal proceedings require such contact. The same applies with regard to criminal investigations. In addition, Article 21 ensures that the privacy of the victims —and especially of child victims— is protected, including personal characteristics, images of victims and of their family members.¹⁰³ Nevertheless, the Article expressly provides for a balance between the right to protect privacy, personal integrity and personal data of victims with the respect for freedom of expression, information and pluralism of the media. Articles 22 and 23 deal with the identification and the protection of specific protection measures a victim may require, respectively. In addition to the measures provided

¹⁰⁰ The European Parliament (no 85) Article 9.

¹⁰¹ *Ibid.*, Articles 10-17.

¹⁰² *Ibid.*, Articles 18-34.

¹⁰³ *Ibid.*, Article 21.

for in Article 23, Member States shall ensure the protection of child victims during criminal proceedings under Article 24.¹⁰⁴

Finally, Chapter 5 which contains only 2 Articles, namely Articles 25 and 26, provide for the training of anyone who comes into contact with victims, such as police officers and judges, and for the cooperation and coordination of services, respectively.¹⁰⁵ Although there is an evident limitation regarding the application of specific rights to all victims, the Directive constitutes an up-to-date, modern tool that strengthens victims' rights across Europe. By either extending or setting out new standards and mechanisms of protection to meet victim's needs, the Directive directs the burden of application, or the lack thereof, to the Member State. Raising awareness and informing victims about their rights and available mechanisms of protection constitute an integral part of the Directive which Member States often fail to comply with.

Furthermore, the EU tries to raise awareness of the vicious, long-standing phenomenon of domestic violence through campaigns at a national and transnational level, as well as by conducting research and exchanging good practices. More specifically, , the 2017 European Commissioner for Justice, Consumer and Gender dedicated the year to combating violence against women. By launching a social media campaign, the Union tried to spread awareness. Similarly, in April 2019, the Commission launched another campaign under the hashtag #DigitalRespect4Her, which promoted the exchange of women's stories across the world.¹⁰⁶ From 2020 onwards, the European Institute for Gender Equality (EIGE) monitors violence against women within the Gender Equality Index. The signature of the Convention of the Council of Europe by the EU shows the commitment of the latter at an international level. While there are still many concerning myths surrounding violence against women, such as that domestic violence is a private issue and that we should not get involved, or that addressing gender-based violence means imposing ideas and values onto other cultures, or that there would be fewer rapes if women refrained from risky behaviours, violence against women continues to beleaguer Europe, including Cyprus.

¹⁰⁴ Ibid., Articles 23-24.

¹⁰⁵ Ibid., Articles 25-26.

¹⁰⁶ European Commission, 'Let's Put an End to Violence Against Women' (November 2019), available at https://ec.europa.eu/info/sites/info/files/factsheet-eu_action_to_combat_violence_against_women-2019.pdf (last accessed 5 September 2020).

Conclusion

The use of violence by a husband against his wife is a particular aspect of violent crimes inside the family, of which the underlying cause is the use of violence as a means of a husband's willpower enforcement upon his wife and his sovereignty upon his family on the basis of his physical strength. Violence replaces speech and power replaces logic. The equality that should characterize the relationships between the spouses is lost [...]¹⁰⁷

As patriarchal values remain deep-rooted in the Cypriot society, it is up to the State to acknowledge the general impact of the COVID-19 pandemic to victims of domestic violence, as well as the measures that need to be taken to combat domestic and inter-gender violence. While the rise of domestic-violence incidents during the pandemic send the message that the Cypriot society first needs to recognise that there is, indeed, a problem, the international, regional, and national legal frameworks remain largely unknown to the general public.

The lockdown was essentially a trap for women, mothers, and their children, as the measures single-handedly delivered the most powerful weapon to the abusers: that of social isolation. Social isolation helped the perpetrators strengthen the vicious cycle of abuse by enforcing control and limiting, even further, a victim's access to society, to loved ones and to support networks. The feeling of despair and fear we all experienced during the COVID-19 pandemic was nothing compared to our counterparts, who were silenced, humiliated and tortured.

Through The Violence in the Family (Prevention and Protection of Victims) Law of 2000, the RoC prescribes the definitional aspects of gender-based violence, while providing for the prevention of and combat against abuse in general and domestic violence in particular. The national law is largely based on the cooperation of multiple State agencies and NGOs. Amidst the pandemic, and even outside of a national framework, it is imperative that domestic violence be effectively and duly addressed, while measures should have an immediate effect to ensure a timely protection of affected individuals. Organs of the State, such as commissioners, the media (including social media), NGOs, and the civil society should play an active role in ensuring the spread of awareness and providing the tools available to victims, as well as meting out punishment to the perpetrators.

¹⁰⁷ *Attorney General v Georgiou* (2002) 2 CLR 464

The Istanbul Convention is based on four pillars: prevention, protection, prosecution, and policy coordination. The rise of domestic-violence incidents during the pandemic emphasised that it is imperative to follow international guidelines and engage in a coordinated effort to challenge stereotypes and break the cycle of violence. Victims and their families should be aware of their rights, as those are prescribed by international hard laws. On an EU level, the European Commission should take effective measures to ensure the implementation of the international legal framework, and to support victims of violence timely and adequately, as guaranteed by the international Conventions and as provided within the Directive 2012/29/EU. The European monitoring mechanism should re-examine national legal frameworks and ensure that they effectively prevent, address, and combat domestic violence. Finally, due to the horrifying increase of domestic violence, authorities and international and regional monitoring mechanisms should ensure that laws, hotlines and all other relevant information are widely publicised, while also seeking to immediately and effectively apply the relevant legal frameworks.

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