

# Cyprus

## 1) Judgements and, where applicable, probation decisions entering into the scope of this Framework Decision (Article 2)

a) Member States are asked to describe the judgments and, where applicable, probation decisions, as defined in Article 2, which have to be recognised by a Member State.

In this regard, Member States are asked to make a separated table for **each** judgement and **each** probation decision, entering into the scope of the Framework Decision and indicate for each one the following information.

<b>PROBATION ORDER</b>	
<b>Name of the judgement or the probation decision</b>	Probation order
<b>Classification of this judgement or the probation decision</b>	Alternative sanction
<b>Legal basis of this judgement or the probation decision</b>	Law 46(I) of 1996 on Probation and other means of treatment of Offenders.
<b>Definition of this judgement or the probation decision</b>	The Probation order is an autonomous non custodial sentence according to a convicted person placing him under the supervision of a probation officer for a period specified in the order not less than 1 year and not exceeding 3 years.
<b>Legal Conditions of this judgement or the probation decision</b>	The sentence for the offence of which the person is convicted is not fixed by law. It is left to the discretion of the Court, taking into consideration the nature of the offence and the character of the offender.
<b>Type of probation measures</b>	The choice of the conditions of probation is left to the discretion of the court, as the conditions are bound to vary with the habits of the offender, his environment and proclivities and the assessment of the help needed for reform.
<b>Combination of sanctions or measures</b>	N/A.

<b>Authority responsible for taking such a decision</b>	District Court
<b>Authority responsible for supervising</b>	Probation officers of the Welfare Services (Department of Ministry of Labour and Social Insurance).
<b>Authority responsible in case of infringement</b>	District Court of supervision.

<b>PROBATION ORDER WITH CONDITION OF COMMUNITY SERVICE</b>	
<b>Name of the judgement or the probation decision</b>	Probation order with condition of community service
<b>Classification of this judgement or the probation decision</b>	Alternative sanction
<b>Legal basis of this judgement or the probation decision</b>	Law 46(I) of 1996 on Probation and other means of treatment of Offenders.
<b>Definition of this judgement or the probation decision</b>	This is a probation order with the specific condition of carrying out community service, imposed by the Court with the consent of the convicted person, for a period specified in the order, not less than 1 year and not exceeding 3 years.
<b>Legal Conditions of this judgement or the probation decision</b>	<ul style="list-style-type: none"> <li>- The sentence for the offence of which the person is convicted is not fixed by law</li> <li>- The convicted person consents to carry out community service</li> </ul>
<b>Type of probation measures</b>	Community service
<b>Combination of sanctions or measures</b>	N/A.

<b>Authority responsible for taking such a decision</b>	District Court
<b>Authority responsible for supervising</b>	Probation officers of Welfare Services (Department of Ministry of Labour and Social Insurance).
<b>Authority responsible in case of infringement</b>	District Court of supervision.

<b>PROBATION ORDER WITH CONDITION OF VOCATIONAL OR OTHER TRAINING</b>	
<b>Name of the judgement or the probation decision</b>	Probation order with condition of vocational or other training
<b>Classification of this judgement or the probation decision</b>	Alternative sanction
<b>Legal basis of this judgement or the probation decision</b>	Law 46(l) of 1996 on Probation and other means of treatment of Offenders.
<b>Definition of this judgement or the probation decision</b>	This is a probation order with the specific condition of getting vocational or other educational training, imposed by the Court with the consent of the convicted person for a period specified in the order, not less than 1 year and not exceeding 3 years.
<b>Legal Conditions of this judgement or the probation decision</b>	<ul style="list-style-type: none"> <li>- The sentence for the offence of which the person is convicted is not fixed by law</li> <li>- The convicted person consents to get vocational or other educational training of his choice</li> </ul>
<b>Type of probation measures</b>	Education and training
<b>Combination of sanctions or measures</b>	N/A.
<b>Authority</b>	District Court

<b>responsible for taking such a decision</b>	
<b>Authority responsible for supervising</b>	Probation Officers of Welfare Service (Department of Ministry of Labour and Social Insurance).
<b>Authority responsible in case of infringement</b>	Probation Officers of Welfare Service (Department of Ministry of Labour and Social Insurance).

<b>PROBATION ORDER WITH CONDITION OF SELF-CONTROL TREATMENT</b>	
<b>Name of the judgement or the probation decision</b>	Probation order with condition of self-control treatment
<b>Classification of this judgement or the probation decision</b>	Alternative sanction
<b>Legal basis of this judgement or the probation decision</b>	Law 119(I) of 2000, as amended, on Violence in the Family and Protection of Victims, in combination with Law 46(I) of 1996 on Probation and other means of treatment of Offenders.
<b>Definition of this judgement or the probation decision</b>	The Court may, in lieu of imposing any other sentence, accept the request of the offender to place him on probation on the special condition that he will be submitted to self-control treatment by specialists.
<b>Legal Conditions of this judgement or the probation decision</b>	<ul style="list-style-type: none"> <li>- Offences under the Violence in the Family Law</li> <li>- Request of offender</li> </ul>
<b>Type of probation measures</b>	Undergoing self-control treatment
<b>Combination of sanctions or measures</b>	N/A.
<b>Authority responsible for taking such a decision</b>	Competent Court of criminal jurisdiction (District Court or Assizes Court)

<b>Authority responsible for supervising</b>	Probation Officers of Welfare Service (Department of Ministry of Labour and Social Insurance)
<b>Authority responsible in case of infringement</b>	District Court of Supervision

<b>SUSPENDED SENTENCE OF IMPRISONMENT</b>	
<b>Name of the judgement or the probation decision</b>	Suspended sentence of imprisonment
<b>Classification of this judgement or the probation decision</b>	Suspended sentence
<b>Legal basis of this judgement or the probation decision</b>	The Sentence of Imprisonment (Conditional Suspension in Certain Cases) Law 95 of 1972 as amended.
<b>Definition of this judgement or the probation decision</b>	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.
<b>Legal Conditions of this judgement or the probation decision</b>	<ul style="list-style-type: none"> <li>- The term of imprisonment does not exceed 3 years</li> <li>- The Court deems that suspension is justified taking into account the whole circumstances of the case and the personal circumstances of the convicted person.</li> </ul>
<b>Type of probation measures</b>	Obligation not to commit any other offence punishable with imprisonment during the operational period.
<b>Combination of sanctions or measures</b>	Suspended sentence of imprisonment may be combined with a supervision order (a course followed in case of a young offender)
<b>Authority responsible for taking such a decision</b>	Competent Court of criminal jurisdiction (District Court or Assizes Court)

<b>Authority responsible for supervising</b>	In case a suspended sentence of imprisonment is combined with a supervision order, Probation Officers of Welfare Service (Department of Ministry of Labour and Social Insurance)
<b>Authority responsible in case of infringement</b>	District Court or Assizes Court

<b>RESTRAINING ORDER</b>	
<b>Name of the judgement or the probation decision</b>	Restraining order
<b>Classification of this judgement or the probation decision</b>	Alternative sanction
<b>Legal basis of this judgement or the probation decision</b>	Law 119(I) of 2000, as amended, on Violence in the Family and the Protection of Victims
<b>Definition of this judgement or the probation decision</b>	A restraining order may be imposed in lieu of any other penalty, prohibiting for a specified period to enter or remain in the marital home.
<b>Legal Conditions of this judgement or the probation decision</b>	Offences of violence in the family.
<b>Type of probation measures</b>	Obligation not to enter or remain in the marital home.
<b>Combination of sanctions or measures</b>	May be combined with term of imprisonment not exceeding 6 months, in which case the validity of the restraining order shall commence after release.
<b>Authority responsible for taking such a decision</b>	Competent Court of criminal jurisdiction (District Court or Assizes Court)
<b>Authority responsible for supervising</b>	In case of breach of conditions of order the police is informed.
<b>Authority responsible in case of infringement</b>	Court (Breach of conditions of order constitutes an offence)

<b>DEFERMENT OF SENTENCE ON CONDITION OF TREATMENT FOR ADDICTION</b>	
<b>Name of the judgement or the probation decision</b>	Deferment of sentence on condition of treatment for addiction
<b>Classification of this judgement or the probation decision</b>	Conditional sentence
<b>Legal basis of this judgement or the probation decision</b>	Law no. 57(l) of 1992 on the treatment of addicted persons
<b>Definition of this judgement or the probation decision</b>	The Court defers the imposition of sentence and discharges the convict on condition that he submits to treatment for drug addiction. (Note: such measure has not yet been imposed by any court)
<b>Legal Conditions of this judgement or the probation decision</b>	- The measure does not apply to drug trafficking offences and premeditated murder. - Consent of the sentenced person is required.
<b>Type of probation measures</b>	Obligation to present to a centre for detoxification and rehabilitation and submit to treatment.
<b>Combination of sanctions or measures</b>	N/A.
<b>Authority responsible for taking such a decision</b>	Competent Court of criminal jurisdiction (District Court or Assizes Court)
<b>Authority responsible for supervising</b>	Person in charge of centre.
<b>Authority responsible in case of infringement</b>	Competent Court

## **2) Probation measures and alternative sanctions (Article 4)**

In Article 4 of the Framework Decision types of probation measures and alternative sanctions are stated. Member States are asked to describe the probation measures and alternative sanctions attached to those judgements and probation decisions:

**a) In the table below please describe how probation measures and alternative sanctions set out in Article 4.1 are reflected in your domestic law and please give a description of each of them.**

<b>Probation measures / alternative sanctions</b>	<b>Explanation</b>

<b>Obligation for the sentenced person to inform a specific authority of any change of residence or working place</b>	Usual obligation contained in probation orders.
<b>Obligation not to enter certain localities, places or defined areas in the issuing or executing State</b>	Obligation not to enter or remain in marital home in restraining orders under the Law on Violence in the Family.
<b>Obligation containing limitations on leaving the territory of the executing State</b>	/
<b>Instructions relating to behaviour, residence, education and training, leisure activities, or containing limitations on or modalities of carrying out a professional activity</b>	Obligation in probation orders and probation orders with condition of training.
<b>Obligation to report at specified times to a specific authority</b>	Usual obligation in probation orders.
<b>Obligation to avoid contact with specific persons</b>	Obligation not to enter or remain in marital home - Restraining order under the law on Violence in the Family.
<b>Obligation to avoid contact with specific objects, which have been used or are likely to be used by the sentenced person with a view to committing a criminal offence</b>	/
<b>Obligation to compensate financially for the prejudice caused by the offence and/or an obligation to provide proof of compliance with such an obligation</b>	/
<b>Obligation to carry out community service</b>	Obligation in probation orders with condition of community service.
<b>Obligation to cooperate with a probation officer or with a representative of a social service having responsibilities in respect of sentenced persons</b>	In all probation orders.
<b>Obligation to undergo therapeutic treatment or treatment for addiction</b>	In deferment of sentence on condition to undergo treatment for addiction under the Law on treatment for addicted persons. Also, in a probation order with condition to submit to self-control treatment, in offences of violence in the family.

**b) In your domestic law are there any probation measures and alternative sanctions which are not covered by Article 4.1?**

No.

**c) Does your domestic law provide for a specific treatment regarding any category of offences (e.g. sexual offences, domestic violence)?**

Restraining orders under the Law on Violence in the Family.

### **3) Electronic monitoring**

**Does your national law provide for the possibility to use Electronic Monitoring?**

Not for the purposes of supervising probation measures. Electronic Monitoring is an execution modality of imprisonment: a convict that has been admitted to the Centre for extra-institutional employment may be allowed to serve part of his imprisonment term up to 4 months by home detention under electronic monitoring.

### **4) Formalities**

Member States are invited to sum up the documents that the national competent authorities need in order to take at national level a judgement and, where applicable, a probation decision (e.g. criminal record, social inquiries, medical expertise).

Criminal record, social services report, medical expertise.