

CYPRUS POLICE



CODE OF THE POLICE ETHICS

The present Code of Police Ethics is based on (the European Code of Police Ethics) which was adopted by the Committee of Ministers on the 19th of September 2001 at the 765th Meeting of the Minister's Deputies of the Council of Europe, which took place in Strasburg.

In drawing up a European Code, the decisions and judgments of the European Court of Human Rights as well as the principles adopted by the Committee for the Prevention of Torture and Inhumane or Degrading Treatment or Punishment were taken into consideration.

The European Code was approved by Decision of the Council of Ministers No. 58.578, dated 17.9.2003.

POLICE AIM/OBJECTIVES

Article 1

The aim of the Cyprus Police is to maintain law and order, preserve the peace, prevent and detect crime and arrest law-breakers.

Article 2

The duty of the Cyprus Police is to protect and respect fundamental human rights and freedoms as enshrined by the European Convention on Human Rights and to provide assistance and service functions to the citizens of the Republic of Cyprus or any other person within the territory of the Republic. Moreover, the Police obey and execute all the orders and warrants which are issued legally by any responsible authority, collect and transmit information which affects public tranquility and the safety of the Republic of Cyprus, prevent crimes and public riots find and bring before justice persons who break the law and arrest all persons for whom there is legal authorization and reasonable grounds for their arrest.

LEGAL BASIS OF THE POLICE

Article 3

The Organisation, Administration, Powers and Duties of the Police are mentioned in Police Law (L. 73 (I) 2004) as well as in the General Police Regulations (No. 51/89).

Article 4

Police Personnel are subject to the same legislation as other citizens as well as to Police Disciplinary Regulations.

THE POLICE AND THE CRIMINAL JUSTICE SYSTEM

Article 5

The Police do not interfere with in any way, or have any controlling functions over the Judiciary the Prosecution or the Prisons Department.

Article 6

The Police strictly respect judicial judgments or decisions as well as any judicial warrants or orders and execute them without any delay.

Article 7

The Members of the Police respect the right of suspects/charged persons to communicate with and be defended by a lawyer of their choice.

Article 8

The Police have no judicial functions. Every citizen has the right to challenge before the court any act, decision or omission by the Police affecting his/her individual rights.

Article 9

The Police have functional and appropriate co-operation with the Public Prosecution Service of the Republic.

ORGANISATIONAL STRUCTURE OF THE POLICE

Article 10

The Cyprus Police is a professional body upholding the law and providing a service to the public with operational independence.

Article 11

The Police and its uniformed personnel are easily recognizable.

Article 12

Police personnel, regardless of level are personally responsible and accountable for their own actions, omissions or for the orders issued to their subordinates.

Article 13

The Cyprus Police have a hierarchical structure, which provides for a clear chain of command within the Police.

Article 14

The Police promote good relations with the public and effective co-operation with other agencies, local authorities, non-governmental organisations and other representatives of the public, including ethnic minority groups.

Article 15

The Cyprus Police are ready to provide objective information on their activities to the public, without disclosing confidential information. For this purpose there is a Press and Public Relations Office at Police Headquarters. Moreover, Public Relation Representatives have been appointed for every Division/Department/Unit.

Article 16

The Police leadership takes effective measures to ensure the integrity of character and moral standards of its members as well as their proper performance. Moreover, it guarantees respect for individuals' fundamental rights and freedoms as enshrined in the European Convention on Human Rights.

Article 17

Police leadership as well as all its members takes effective measures to prevent and combat police corruption.

QUALIFICATIONS AND RECRUITMENT IN THE POLICE

Article 18

Police personnel, at any level of entry, are recruited on the basis of objective criteria. The conditions, the procedure and recruitment criteria are set out in Police Law (L.73(I) 2004), Law 6(I)/98 and in the General Police Regulations and Police Standing Order 4/1.

Article 19

Police Members should be able to demonstrate sound judgment, maturity, fairness, communication skills, an open attitude and where necessary leadership and management skills. Moreover they possess a good understanding of social, cultural and community issues.

Article 20

Persons who have been convicted of serious offences or offences related to lack of moral integrity or moral indecency are disqualified from police work.

Article 21

Recruitment procedures are based on objective criteria and are carried out without any discrimination against sex, social stratum or ethnic minority with the aim of making police personnel reflect the society they serve, and this according to the Law on Equal Treatment of Males and Females in the workforce and Occupational Training (L.205(I)/2002).

TRAINING OF POLICE PERSONNEL

Article 22

Police training is based on the fundamental values of democracy, on the Constitution, the rule of law as well as the protection of Human Rights.

Article 23

Police training includes legal and professional training. It reflects social reality to the highest degree possible, so that it serves the aims set out in Articles 1 and 2 of this code.

Article 24

The basic theoretical training of probationary police constables is followed up by in-service practical training and where it is required, it also includes topics on management and administration.

Article 25

Police training at all levels includes in-service practical training on the use of force with regard to the limits, which are established in the European Convention on Human Rights and its case law. Police training also takes full account of the need to combat racism and xenophobia.

RIGHTS OF POLICE PERSONNEL

Article 26

Police members have the same civil and political rights as other public servants. Restrictions to these rights are only made when they are necessary for the exercise of the functions of the police in a democratic state, in accordance with the law and the European Convention on Human Rights.

Article 27

Police members have the same social and economic rights as other public servants. Specifically police personnel have the right to belong to and participate in professional organisations, to receive an appropriate remuneration and social security and be provided with health and security measures taking into consideration the particular character of police work.

Article 28

Police members have the right to resort to all relevant judicial institutions regarding disciplinary and other convictions as well as possible unjust treatment.

Article 29

Public authorities and police leadership support police members who are subject to ill-founded accusations concerning their duties.

**GUIDELINES FOR POLICE
ACTION / INTERVENTION**

Article 30

The police and all police operations respect every person's right to life.

Article 31

The police do not inflict, instigate or tolerate any act of torture or inhumane or degrading treatment or punishment under any circumstances.

Article 32

The Police use force only when strictly necessary and only to the extent required to obtain a legitimate objective. They always act within the limits of the law and always verify the lawfulness of their intended actions before and during the execution of their duties.

Article 33

Police personnel carry out orders properly issued by their superiors but have a duty to refrain from carrying out illegal orders and to report such orders, without fear of sanction.

Article 34

The police carry out their duties in a fair manner, guided in particular by the principles of impartiality and non-discrimination.

Article 35

The police interfere with an individual's right to privacy when it is strictly necessary and only to obtain a legitimate objective.

Article 36

The collection, storage and use of personal data by the police is carried out according to the Protection of Personal Data Law (Protection of the Individual) 138(I)/2001 and international data protection principles. In particular, this is limited to the extent necessary for the performance of lawful, legitimate and specific purposes.

Article 37

The police in carrying out their duties, always take into consideration everyone's fundamental rights, such as freedom of thought, conscience, religion, expression, work, peaceful assembly, movement and the peaceful enjoyment of possessions.

Article 38

Police personnel show respect towards the public and act in a professional, objective, impartial, polite, fair, honest, conscientious, just and right manner.

Article 39

Police personnel wearing civil clothing in the execution of their duty give evidence of their police status by showing their police identify card.

Article 40

Police personnel oppose all forms of corruption in the Police. They execute their duties according to the law, in a fair, impartial manner so that their own personal interests do not conflict with their duties. They also inform superiors and other appropriate bodies of corruption within the police.

POLICE INVESTIGATION

Article 41

Police investigations are based upon reasonable suspicion of an actual or possible offence or crime.

Article 42

The Police follow the principle that any person charged with an offence is considered innocent until found guilty by a court. When a person is charged with a criminal offence s/he has the right to be informed promptly of the charges against him/her to prepare his/her defence either in person or through legal assistance.

Article 43

Police investigations are carried out in a fair and objective manner. Interrogations and statements from juveniles, women or aliens are carried out according to the provisions of the laws and the relevant Police Standing Orders.

Article 44

Bearing in mind Article 43, the Police provide for a fair interview during which the persons interviewed are made aware of the reasons for the interview as well as other relevant information. Systematic records are kept of police interviews.

Article 45

The police treat victims or witnesses according to the Protection of Witnesses Law (L.95 (I) 2001).

Article 46

The police provide interpretation / translation where necessary throughout a police investigation.

ARREST / DEPRIVATION OF LIBERTY BY THE POLICE

Article 47

Every person has the right to freedom and personal safety. Deprivation of liberty of persons is always conducted according to the provisions of Article 11 of the Constitution.

Article 48

The police inform promptly persons deprived of their liberty of the reasons for the deprivation of their liberty and of any charges against them. Moreover they also inform these persons of the procedure applicable to their case.

Article 49

The police provide for the safety health, hygiene and appropriate nourishment of persons in custody. Police cells are of a reasonable size, adequate lighting and ventilation and are equipped with suitable means of rest.

Article 50

Persons deprived of their liberty by the police have the right to inform a person of their choice of the deprivation of their liberty and to have access to legal assistance of their choice and to a medical examination.

Article 51

The police, to the extent possible, separate persons under suspicion of having committed criminal offences from those deprived of their liberty for other reasons (eg. illegal immigrants). The separation between men and women as well as between adults and juveniles is obligatory.

ACCOUNTABILITY AND CONTROL OF THE POLICE

Article 52

The police are subject to internal and external control and accountable to the state, the citizens, and their representatives.

Article 53

The legislative, executive and judicial powers have the right to exercise control over the police.

Article 54

Police leadership ensures effective and impartial procedures in cases where complaints are made against its members. The Council of Ministers has the authority of appointing an independent criminal investigator to investigate such complaints.

RESEARCH AND INTERNATIONAL CO-OPERATION

Article 55

Police leadership promotes and encourages research on the police.

Article 56

Police leadership support international co-operation regarding issues of police – ethics and human rights. It promotes co-operation with other International Organisations like INTERPOL, EUROPOL, the European Police College (CEPOL) as well as with other prosecution authorities in other countries.