



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

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**Committee on the Elimination of Racial Discrimination**

**Reports submitted by States parties under article  
9 of the Convention**

**Seventeenth to twenty second periodic reports of States  
parties due in 2012**

**Cyprus\* \*\***

[29 November 2011]

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\* This report contains in a single document the seventeenth to twenty second periodic reports of Cyprus respectively due in 2004, 2006, 2008, 2010 and 2012. For the fifteenth to sixteenth periodic reports and the summary records of the meetings at which the Committee considered this report, see documents CERD/C/384/Add.4 and CERD/C/SR.1401, 1472 and 1473.

\*\* In accordance with the information transmitted to the States parties regarding the processing of their reports, the present document was not edited.

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**List of abbreviations**


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*Acronym*


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|           |   |
|-----------|---|
| ADB       | Anti- Discrimination Body   |
| CPT       | European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment |
| ECHR      | European Convention on Human Rights   |
| EDC/HRE   | Education for Democratic Citizenship and Human Rights Education                                   |
| EDPOL     | European Diversity in Policing  |
| EU        | European Union  |
| FRA       | Fundamental Rights Agency   |
| IAIACAP   | Independent Authority for the Investigation of Allegations and Complaints Against the Police      |
| IBIC      | Independent Body for Investigation of Complaints  |
| LC        | Law Commissioner  |
| LOR       | Law Office of the Republic  |
| MCW       | Multicultural Centre for Women  |
| MFA       | Ministry of Foreign Affairs   |
| MIGS      | Mediterranean Institute of Gender Studies   |
| MJPO      | Ministry of Justice and Public Order  |
| MLSI      | Ministry of Labour and Social Insurance   |
| MOEC      | Ministry of Education and Culture   |
| MOH       | Ministry of Health  |
| MOI       | Ministry of Interior  |
| NAPAR     | National Action Plan Against Racism   |
| NAPATHB   | National Action Plan Against Trafficking in Human Beings  |
| NAPGE     | National Action Plan on Gender Equality   |
| NPITCNLRC | National Action Plan for the Integration of Third-Country Nationals legally residing in Cyprus    |
| NAPSPSI   | National Action Plan on Social Protection and Social Inclusion                                    |
| NGOs      | Non-governmental organizations  |
| NIPHR     | National Institution for the Protection of Human Rights   |
| PDVCAO    | Police Domestic Violence and Child Abuse Office   |
| PHRO      | Police Human Rights Office  |

*Acronym*

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|       |  |
|-------|--|
| POCD  | Police Office for Combating Discrimination           |
| SIS   | Social Insurance Services                            |
| SWS   | Social Welfare Service                               |
| TAIEX | Technical Assistance Information and Exchange Office |
| THB   | Trafficking in Human Beings                          |
| UNHCR | United Nations High Commissioner for Refugees        |
| ZEP   | Zones of Educational Priority                        |

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## **I. Introduction**

1. The Combined seventeenth to twenty-second periodic reports on the International Convention on the Elimination of All Forms of Racial Discrimination (hereinafter the 'present report') was prepared in accordance with the revised guidelines for the preparation of reports by State parties [HRI/GEN/2/Rev.6]. It addresses the issues and recommendations raised in the concluding observations of the Committee on the Elimination of All Forms of Racial Discrimination in the consideration of the combined fifteenth and sixteenth periodic report of Cyprus (hereinafter the 'previous report') and covers the developments on elimination of all forms of racial discrimination during the period 2001-2011. The present report is accompanied by an updated core document.

2. The present report has been prepared by the Law Commissioner of Cyprus, who, pursuant to a Decision of the Council of Ministers, is entrusted with ensuring compliance by Cyprus with its reporting obligations under international human rights instruments. It was compiled on the basis of information and data provided by the Ministries and Services having competence for the specific matters. Information was also obtained from the Ombudsman, the Anti-Discrimination Body (ADB) and the Independent Authority for the Investigation of Allegations and Complaints against the Police (IAIACAP).

3. During the period under review, a number of initiatives and measures have been taken including the establishment of the National Institution for the Protection of Human Rights (NIPHR), the Police Human Rights Office (PHRO), the IAIACAP, the development of the National Action Plan Against Racism (NAPAR), the National Action Plan Against Trafficking in Human Beings (NAPATHB), the National Action Plan on Social Protection and Social Inclusion (NAPSPSI), the enactment of several anti-racism laws and harmonization with relevant European Union (EU) Law, the ratification of international binding instruments combating racism and discrimination.

4. The Government of the Republic of Cyprus regrets that due to the continuing illegal occupation of 36,2 per cent of its territory by Turkish military forces, it is unable to ensure full realization of its anti-discrimination policies in the whole of its territory. In particular, it is deprived of its ability to apply anti-racism laws, policies and programmes to those living in the part of the country under Turkish occupation. Due to the situation described above, no reliable information and data are available regarding the enjoyment of the relevant rights by the Cypriot population living in the occupied area. Consequently, all information and data presented in the present report concern the Government-controlled areas.

5. The present report follows the structure of the United Nations specific guidelines for the preparation of State reports on the Elimination of Racial Discrimination. It begins by addressing paragraph 18 of the guidelines and then continues with each article and sub-article in turn.

## **II. Progress on the implementation**

### **Paragraph 18-- Implementation of Durban declaration**

6. Cyprus, through the Ministry of Justice and Public Order (MJPO) launched a NAPAR which included planned activities and/or measures (legislative and administrative)

for the period 2002-2003. A supervisory authority was designated for each activity/action and a timetable was set for their implementation.

7. An ad-hoc Committee comprising of representatives of the Law Office of the Republic (LOR), the Law Commissioner (LC), the Ombudsman and all interested parties (governmental and non-governmental) was appointed in order to assist the Council of Ministers, to monitor the progress made towards implementation of the various measures/activities of the NAPAR.

8. The NAPAR was a significant opportunity to both build upon and enhance existing policies and strategies to combat racism in Cyprus as well as to identify new projects which could be combined with other pre-existing and subsequent plans and researches such as:

(a) The National Action Plan on Gender Equality (NAPGE) (2007-2013) which was adopted by the Council of Ministers in August 2007 and which includes measures for the elimination of racial discrimination against women;

(b) Research on the socioeconomic status of Cyprus, recording the needs and expectations of women belonging to vulnerable groups (immigrants, refugees, elderly, rural women, women with disabilities) and subsequent implementation of programmes for their social and economic integration or reintegration;

(c) Research on the needs and expectations of women and their children from different cultural groups and creating educational/professional structures with main target the language provision and professional guidance;

(d) Programmes of literacy for aliens/immigrant women and courses to learn the Greek language in order to enable integration in the Cypriot society;

(e) Foundation of the Multicultural Centre for Women (MCW) aiming to promote the cooperation between Greek Cypriot and Turkish Cypriot women.

## **Article 1: Definition of racial discrimination**

### **A. Assessment of the compliance of the definition of racial discrimination in domestic law with the definition provided in article 1, paragraph 1 of the Convention**

#### **Paragraph 1**

9. In the Equal Treatment in Employment and Occupation Law, [L.58(I)/2004, as amended], which harmonized Cyprus Law with EC Directives 2000/78/EC and 2000/43/EC, there is no explicit definition of the term “racial discrimination”. Nevertheless, the law generally prohibits discrimination in employment and occupation on the grounds of race and ethnic origin. (See analysis under article 2 here below).

#### **Paragraph 2**

10. The said Law prohibits both direct and indirect discrimination, as well as harassment and discrimination on the grounds of racial or ethnic origin, religion or belief, age and sexual orientation.

**B. Information on whether the legal system of the State party allows or provides for special measures to secure the adequate advancement of groups and individuals protected under the Convention**

11. The ADB was founded in 2004 on the basis of the EU Anti-Discrimination Directive 2000/43/EC (Racial Equality Directive). The Combating of Racial and Some Other Forms of Discrimination Law, 2004 [L.42 (1)/ 2004] transposed the said Directive in the Cypriot legal order and prescribed the institution of the Ombudsman as the ADB.

**Article 2: Legal background**

**A. Brief description of the legal framework and general policies to eliminate racial discrimination**

12. Cyprus has incorporated in the national legal order, a number of international and EU binding instruments, and has enacted new legislation as described here below:

(a) Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms, was ratified by Law L. 13(III)/2002;

(b) The Convention of the Council of Europe Against Cybercrime and its Additional Protocol on criminalization of acts of a racist and xenophobic nature committed through computer systems was ratified by the Laws: L. 22(III)/2004 and L.26(III)/2004

(c) The Law on The Combating of Trafficking and Exploitation of Persons and the Protection of Victims, 2007 [L.87(I)/2007] harmonizes Cyprus Law with EC Directive 2004/81/EC and covers all aspects of trafficking such as exploitation, sexual exploitation, forced labour or services, slavery or practices similar to slavery and the removal of organs. It includes specific provisions for the prevention of trafficking, for the identification and protection of victims and for the prosecution of those involved in trafficking. The Law includes specific provisions, on sexual exploitation of children, trafficking of children and child prostitution. It also includes provisions and penalties regarding the worst forms of child labour as defined in the Convention of the Worst Forms of Child Labour, 1999. The Law specifies strict penalties for such violations.

(d) The Equal Treatment (Racial or Ethnic Origin) Law, 2004, [L.59 (I)/2004], harmonizes Cyprus Law with EC Directive 2000/43/EC which prohibits discrimination on grounds of racial or ethnic origin, in the public and private sector. Violation of the provisions of this Law is a criminal offence and the person who has been a victim of discrimination has the right to institute civil proceedings for compensation covering both pecuniary and non-pecuniary damage.

(e) The Equal Treatment in Employment and Occupation Law, [L.58(I)/2004, as amended], harmonizes Cyprus Law with EC Directives 2000/78/EC and 2000/43/EC which prohibit discrimination on any of the above grounds and also on grounds of religion, belief, sexual orientation, disability and age, specifically in the spheres of employment and occupation. This law prohibits all forms of discrimination (direct, indirect, harassment, instruction to discriminate) in all areas covered by the directive (access to employment, working conditions, access to vocational training etc.). It also covers the issues of positive actions, reversal of burden of proof and protection against victimization. Access to justice is safeguarded through actions for damages to the District Court or the Labor Court as well as

access to an Independent Body for Investigation of Complaints (IBIC). The Law provides for criminal liability for infringement of certain provisions of the law. Finally, there are provisions for reporting to the European Commission for the enforcement of the legislation.

(f) Law on Equal Treatment between Men and Women (Access to and Supply of Goods and Services) Law, 2008 [L.18(I)/2008] harmonizes Cyprus Law with EC Directive 2004/113/EC, on the basis of the principle of Equal Treatment between men and women in the access to and supply of goods and services.

(g) Law on the Equal Pay Between Men and Women for the Same Work or for Work to which Equal Value is attributed Law, 2002, [L.177(I)/2002, as amended], harmonizes Cyprus Law with EC Directives 75/117/EC and 97/80/EC. The Law grants the Ombudsman authority to independently examine complaints in relation to equal pay between men and women and to safeguard the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast) into national law.

(h) The Combating of Racism and Other Forms of Discrimination (Commissioner) Law 2004, [L.42(I)/2004], harmonizes Cyprus Law with article 13 of the EC Directive 2000/43/EC. It vests the Ombudsman with special competences, duties and powers for combating and elimination of direct or indirect discrimination in the Public and Private Sector, on grounds of race, community, language, colour, religion, political or other belief, and national or ethnic origin. Under its provisions, any person or group may lodge a complaint to the Ombudsman regarding discrimination. The complaint may be one of discrimination as prohibited by the Constitution, by any International Treaty as ratified by Cyprus, and by the European Convention for Human Rights (ECHR).

- The Law covers discriminatory provisions/terms/criteria/practices, which may be found, inter alia, in contracts of employment, collective agreements, articles of association of legal persons, societies, bodies, and institutions, contracts for the supply of goods and services, and terms of membership of organizations, including professional ones.
- In case of a finding of discrimination, the Ombudsman is empowered to order the person or authority responsible to pay a fine, and/or to address recommendations to them to take specific practical measures for putting an end to, or not repeating the relevant treatment or conduct, or application of the specific provision/term/criterion/practice, towards the complainant and also all persons who are, or may find themselves, in a similar situation. The Ombudsman can also carry out investigations on its own initiative, into incidents of discrimination, and examine, following requests from persons or groups, whether some treatment or conduct or application of a provision/term/criterion/practice contemplated by them, constitutes discrimination.
- Among those who can lodge such requests are NGOs, organizations, associations, committees, societies, trade unions, funds, municipal councils and mayors, and public utility corporations/bodies. In such cases, the Ombudsman can make suggestions to the person or group as to alternative treatment/conduct, or abolition/substitution of the provision/term/criterion/practice.
- Findings and reports made by the Ombudsman, when involving discriminatory provisions/terms/criteria/practices found in legislation, must be communicated to the Attorney-General. The Attorney-General will give his opinion on explicit provisions of the Law, on the adoption of appropriate legislative/administrative



measures taking also into account international law /treaty obligations, and will be preparing at the same time legislation for abolishing/substituting the relevant legislative provision. The Ombudsman has the power to prepare and publish Codes of Practice concerning any activity of a public authority or person in the private sector, obliging them to take practical measures specified in the Code, aimed at promoting equality of opportunity irrespective of community, racial, national or ethnic origin, religion, language, and colour. The Ombudsman has a duty to carry out surveys and statistics and to have regular contacts and consultations, and bring together persons and groups in the public and private sector, of different or conflicting interests, so as to promote understanding and finding agreements and consensual solutions.

(i) The Rights of Persons Arrested and taken into Custody Law, [L.163(I)/2005], which provides further protection when the person arrested/detained is a foreign national. In addition to the right to communicate with a lawyer and a relative, or other person of his/her choice, he/she is also afforded the right to communicate with his/her embassy or diplomatic mission in Cyprus and inform them of his/her arrest/detention, and his/her place of detention/intended detention. He/she is also afforded the right to meet with representatives of his/her consular/ diplomatic mission.

#### *Case law*

13. In addition to the enactment of primary anti-discrimination legislation as above, there have been some developments in the case law as well. In the Civil Appeal of *Yiallourou v. Evgenios Nicolaou (2001)* 1A A.A.Δ 558 it was established that violation of human rights is indeed an actionable right which can be pursued in civil courts against those perpetrating the violation, for recovering from them, inter-alia, just and reasonable compensation for pecuniary and non-pecuniary damage suffered as a result.

14. Thus, a person who is a victim of discrimination including discrimination based on race, community, colour, religion, language, political or other belief, or national origin, directly or indirectly, can sue the State or private persons for damages and or other appropriate civil law remedies, for violating his constitutional rights.

15. The remedy available is additional and of wider ambit than the statutory one referred to above concerning violation of the provisions of the Equal Treatment (Racial or Ethnic Origin) Law, [L.59(I)/2004, as amended].

## **B. Specific and detailed information on the legislative, judicial, administrative or other measures taken**

### **Paragraph 2**

16. In 2004 the Police set up a specialized body to combat discrimination: the Police Office for Combating Discrimination (POCD). The POCD handles all issues that relate to discrimination, racism, xenophobia through Liaison Officers at all Police Divisions/Districts. Its aim is to alleviate and eradicate discriminatory attitudes and perceptions through raising awareness of its members. It is responsible for the implementation of preventive measures as well as for monitoring intervention tactics to combat racism, discrimination and xenophobia during Police activities and procedures. For instance, it monitors the registration of criminal offences with a racist motive through the

electronic Crime Report Registry. Such offences are categorized on the basis of the type of motive (ethnic, religious, colour, etc.).

#### **Paragraph 5**

17. The Police cooperates with non-governmental and other non-police institutions such as the NIPHR and the ADB to promote combating of racism. Members of the above organizations contribute to the training of police officers.

18. The Police have issued several informative brochures for the public regarding police related issues such as domestic violence, substance abuse, road safety, etc. in many languages.

19. The Police Academy provides general sensitization and awareness courses to all trainees and new recruits on human rights, diversity and discrimination, and such courses are reinforced with the presence of specialists/professionals who have either an academic background or are experienced in the area of human rights. Such specialists are criminologists, lawyers, judges, psychologists, members of non-governmental organizations, university professors, etc.

20. A series of training courses on discrimination, human rights, constitutional rights, multi-culturalism, intercultural communication, intercultural policing, etc. are taught at the Cyprus Police Academy at various levels (eg. basic police training, Sergeants' and Inspectors' Courses). Police personnel attend international seminars and other events relating to discrimination and racism.

21. In December 2010, a "Train the Trainer" course was organized by the Police on the issue of "Policing and Diversity", as part of a broader project titled "Cyprus Police Against Discrimination, For Diversity", which was cofounded by the Progress Program of the EU and the Republic of Cyprus (through the MJPO). For the same Project, two conferences on "Policing and Diversity" for members of the Police of all ranks up to the Chief of Police were organized in March 2010 in cooperation with the European Diversity in Policing (EDPOL), which provided expertise on the subject matter. The same Project also allowed the production of new training tools on the subject matter.

#### **C. Information on whether a national human rights institution, created in accordance with the Paris Principles or other appropriate bodies, have been mandated with combating racial discrimination**

22. Please see paragraph 12 under article 2, A, above.

23. An amendment Law, [L.158(I)2011] to the Commissioner for Administration Law, [L.3/1991] was enacted in 2011 transferring the competences of the Human Rights Institution established in 1998 to the Ombudsman, which is an institution fully compatible with the Paris Principles. Under this Law, the Ombudsman undertakes the role of the Commissioner of Human Rights with express powers and competence for the promotion and protection of other human rights in addition to those of ADB of a national preventive mechanism under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment as ratified by Law L.2(III)/2009.

#### **D. Information on groups and individuals benefiting from special and concrete measures taken in the social, economic, cultural and other fields**

24. A set of criteria regulating the employment of third country nationals (non members of the European Union), agreed between the Ministry of Labour and Social Insurance (MLSI), the Social Insurance Services (SIS) and the social partners were approved by the Council of Ministers in 2007. The Council of Ministers has also adopted a policy paper on the strategy for the employment of foreign workers.

25. The scope of the strategy is to introduce an integrated and operational framework for effective monitoring of the employment of workers who are third country nationals. It sets a maximum percentage of foreign workers, safeguarding equal treatment regarding terms and conditions of employment and introducing the necessary mechanism and procedure for the application of the policy.

26. After accession of Cyprus to the EU in 2004, and in line with the free movement of persons principle, Cyprus opened up the labour market to all citizens of EU-Member States and to their family members –EU citizens or third country nationals.

27. In addition, any individual or group in Cyprus, irrespective of whether they are Cypriots, EU nationals or third country nationals, can make use of the complaints mechanism procedure so as to ensure that their opinion is heard and efforts are made for the labour disputes to be resolved in the best possible way.

28. Immigrant workers' complaints, which include both domestic helpers and labourers, are initially filed with the Aliens and Immigration Department, where they are stamped and recorded, and then the District Offices of the Labour Relations Department undertake to invite both parties in order to investigate the complaints and seek a mutually acceptable solution on amicable terms. The procedure allows both sides to submit their views. During the meeting, each side is allowed to be represented if he/she wishes by lawyer, translator, relative etc.

29. Based on the findings, a report is prepared and forwarded to the Labour Disputes for final decision. The Committee is constituted by representatives of the Director of Civil Registry and Migration Department, the Labour Relations Department and the Aliens and Immigration Department of the Police. In case where a violation of the employment contract is ascertained, sanctions are imposed on the employer. Such sanctions include a strict warning, a notice of compliance or a disclaimer giving permission to employ aliens from third countries. Internal mechanisms are established so as to ensure that such violations will not be repeated. In addition, a permit is granted to the migrant worker so as to find a new employer. If during investigation of complaints there is reason to believe that trafficking or sexual exploitation issues arise, the complaint is forwarded to the competence authorities for further action.

30. The Department has redesigned its procedures so as to proceed with examination of a complaint within three weeks of the filing thereof.

## **Article 3: Prevention, prohibition and eradication of racial segregation**

### **Paragraph 3**

31. The Cypriot Roma are believed to have been brought to Cyprus during or shortly after the conquest of Cyprus by the Ottomans. They are Cypriot citizens who, in 1960, opted to belong to the Turkish community as per article 2 of the Constitution. After the Turkish invasion to Cyprus, the Roma moved to the occupied area of Cyprus.

32. In recent years, the Cypriot Roma, accompanied by their families, crossed to the Government controlled area in search for better living conditions and in order to escape discrimination to which they are subjected in the occupied areas. During the period under review, a total number of 770 Roma was estimated to reside in the Government controlled area. The majority of the Cypriot Roma resides in Turkish Cypriot houses in the districts of Limassol and Pafos.

33. The State provides welfare such as basic housing, health care, schooling for the children and a monthly allowance to care for their basic needs until employment. Their rights are being accommodated by the relevant local authorities who are also responsible for addressing any concerns regarding housing, education and other issues. The State repaired/improved 20 houses in the Limassol District and 25 houses in Pafos District and has undertaken the creation of two housing projects, one in each of the Districts above, consisting of 16 and 24 prefabricated houses respectively. The housing units are equipped with all basic amenities such as water, potable water, electricity supply, solar water heaters, telephone line installation, sewage system etc.

34. Cyprus aims to promote their integration through policy measures targeting vulnerable groups of society, for example, the creation of zones of educational priority, the National Reform Program of the MLSI, and the creation of the bi-communal Multi-Functional Centre (situated in Limassol, providing social and supportive services). The District Administration Offices have recruited translators for the assistance of Turkish-Cypriots, including Cypriot Roma.

35. The Council of Ministers approved the first National Action Plan 2010-2012 for the Integration of Third Country Nationals legally residing in Cyprus (NAPITCNLRC) on 13 October 2010. The NAPITCNLRC applies to all third country nationals legally residing in Cyprus including recognized refugees, beneficiaries of subsidiary protection and asylum seekers (for certain matters).

36. The eight Priority Pillars included in the NAPITCNLRC cover most of the fundamental aspects of integration, EU Directives and good practices, the eleven Common Basic Principles for the integration of migrants, the Common Agenda for Integration, the Stockholm Program and the Pact for Migration and Asylum. The eight Priority Pillars are:

- Information – Services – Transparency
- Employment
- Education – Learning the language
- Health
- Housing – improving the quality of life, social protection and interaction

- Learning the Culture –participation, basic knowledge of the political and social life in Cyprus
- Participation
- Evaluation

37. The ratification procedure of the United Nations Convention relating to the Status of Stateless Persons by Cyprus is in progress.

## **Article 4: Condemnation of all forms of racist propaganda**

### **A. Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 4 of the Convention**

#### **Paragraphs 1-7**

38. In an effort to identify discriminatory attitudes or manifestations in the Cypriot society, ADB conducted a number of public opinion surveys regarding different grounds of discrimination. The surveys were financially supported by the European Commission as part of the framework of the Community Action Program to Combat Discrimination: The first survey focused on ethnic discrimination. It examined the attitudes and beliefs of Cypriots towards people of Pontiac origin and the attitudes and beliefs of Pontiacs towards Cypriots. The second survey concerned religious discrimination. It examined the attitudes and beliefs of Christian Orthodox Cypriots towards people coming from different religious backgrounds in Cyprus. The third survey focused on the attitudes and beliefs of Cypriots towards people with disabilities. The fourth survey studied the phenomenon of sexual harassment in employment. In order to address issues that were revealed by the aforementioned studies, the State took a number of measures which are set out in the present Report under the relevant articles.

39. There was an investigation and a report by the ADB regarding an incident of racist violence and attack against a Cypriot person of African origin by a number of youngsters. The Ombudsman, noted failure of the police to fulfill its functions regarding the sanctions against the perpetrators and the protection of the victim. Following this, the Chief of the Police issued guidelines to all Police Directorates instructing the appropriate action to combat racist incidents.

40. Investigation was also conducted and reports were consequently issued by ADB regarding attacks against residences of immigrants from a group of youngsters in Ipsonas and racist incidents in schools. ADB condemned such incidents as unacceptable in a democratic society and stressed that inter-cultural education should be reinforced in order to promote tolerance and combat xenophobia. It underlined that adequate measure for the prosecution of perpetrators of such should be taken.

41. A number of measures were undertaken by the State to enhance awareness raising on combating racism and acceptance of multiculturalism as an element of value added and enrichment of the Cypriot culture. Specific and detailed reference is made in article 7 herein.

**B. Information on whether racial motives are considered an aggravating circumstance under domestic penal legislation**

42. In order to transpose the Council Framework Decision 2008/913/JHA of 28 November 2008 on Combating Certain Forms and Expressions of Racism and Xenophobia by means of Criminal Law, Law [L.134(I)/2011] was enacted which expressly provides that the racist motivation for any offence constitutes an aggravating circumstance.

**C. Statistical data on complaints filed, prosecutions launched and sentences passed for acts prohibited under article 4 of the Convention**

43. The Police keeps a registry/database of offences/incidents of a racial nature or with a racial motive.

**Article 5: Enjoyment of rights without discrimination**

**A. The right to equal treatment before tribunals and all other organs administering justice**

44. The role of the Police in combating racial discrimination and ensuring that human rights are protected, has been greatly enhanced in a number of ways as described here below.

*Circulars of the chief of police*

45. A Circular of the Chief of Police dated 29 January 2008 titled “Avoidance of Racial Conduct by Members of the Police”, sets the following rules:

- (a) Members of the Police are obliged to respect every person irrespective of racial, ethnic, religious or other origin and to treat all equally before the Law;
- (b) Complaints on racial offences or on offences with a racial motive must be investigated with special diligence and recorded as required;
- (c) Members of the Police should not in public refer to members of racial, ethnic, religious or other communities in an offensive way, or in a way that may contribute to a climate of hostility, fear and bias toward such communities;
- (d) Racial profiling must be avoided.

46. A Circular of the Chief of Police dated 05 January 2009 titled “Investigating Racial Cases” provides for the following issues:

- (a) Racial offences or on offences with a racial motive must be investigated by a Police Sergeant or higher ranking officer;
- (b) In addition to the monitoring of the investigator’s line manager, such investigations shall be monitored by the local Assistant Police Commander in charge of Operations.

*PHRO*

47. The PHRO was established in 2000, and since 2004 it functions under the European Union and International Police Cooperation Directorate. In general, the PHRO has a monitoring role towards departments and offices of the police concerning, among others, the rights of detainees and of asylum seekers, and the living conditions and improvements in Police detention centers so as to be in compliance with international standards. Furthermore, the PHRO makes suggestions to the Chief of Police to ensure that detainees can enjoy their rights and a humane and safe detention.

48. The PHRO cooperates with EU, the Council of Europe and the United Nations High Commissioner for Refugees (UNHCR) and is in contact with other governmental departments and international organizations. Moreover, it works on the implementation of obligations which emanate from the decisions of various European Institutions for human rights on sections falling within the Police competences.

*New retention centre*

49. A Retention Centre has been set up to accommodate up to 256 immigrants illegally residing in Cyprus and/or awaiting deportation and is expected to be completed by the end of 2012. The centre meets all the standards and criteria as set by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT standards).

50. Regarding the rights of the people in custody, the Police has taken serious steps to ensure that these people are not subjected to racial discrimination. To be more specific:

**1. Persons taken into police custody are informed of their rights**

51. Persons taken into police custody, either on criminal charges or in violation of the Aliens & Immigration Law, [CAP 105], are immediately informed of their rights, in a language they understand. Moreover, they are immediately given a leaflet of their rights including communication rights, according to the Law on the Rights of Persons Arrested and taken into Custody, 2005 [L.163(I)/2005], and they are later asked to sign a statement attesting that they have received a copy of their rights, so as to avoid any discrimination practices. These rights have been translated and are currently available in ten languages (Greek, Turkish, English, French, Rumanian, Bulgarian, Russian, Iranian-Farsi, Arabic and Mandarin).

**2. Communication rights with lawyer and relatives or friends**

52. A person in custody is provided the necessary and reasonable facilitations for communication with his/her lawyer as well as personal contact with relatives or friends concerning his/her detention. If the person under police custody is a foreigner, he/she is allowed to notify his Embassy or a representative of the Consulate of his/her country, as regards his/her retention.

**3. The right of access to judicial or other independent review**

53. The detainee has the right to file a complaint either to the IAIACAP, or the Ombudsman. A leaflet is given to detained persons with information as to who to contact (for example, the NIPHR) in case a detainee believes that he/she has been discriminated, or his / her human rights have been violated by the Authorities.

54. The Human Rights Institutions, NGOs (e.g. Action for Equality Support and Antiracism), and delegations of international organizations (e.g. NIPHR, CPT, UNHCR)

may visit any Police Detention Centre to assess the living conditions of living in the detention centres and take any complaints from detainees.

**4. Allegations of detainees for ill treatment**

55. The Police, the Attorney General or IAIACAP may, wither ex proprio motu or upon the filing of an allegation by a detainee for ill-treatment by the Police upon arrest or in detention, investigate the incident and decide thereon.

**5. Length of detention**

*Immigrants*

56. It is a declared policy of the State, that all detainees, foreign or national, are to be treated equally and all their Human Rights are equally respected. For this purpose, EC Directive 2008/115/EC on Common Standards and Procedures in Member States for Returning Illegally Staying third-country Nationals, has been transposed into the national legal order with an amendment of the Aliens & Immigration Law, [CAP.105]. For a person who has been arrested in violation of the said Law the deportation and detention orders are issued or extended or terminated only by the Migration Authority of the Ministry of Interior of the Republic of Cyprus. The Police is the executing and not the executive body.

*People in remand*

57. People in remand in police establishments, although the Law provides for a maximum detention of three months, the length of detention of people in remand, rarely exceeds sixteen days.

**6. Right of access to a doctor**

58. A person taken into police custody, either on criminal charges or in violation of the Aliens & Immigration Law, [CAP.105], has the right to free medical treatment whenever it is needed and/or only after obtaining their informed consent. This right, is safeguarded by section 25 of the Police Law, [L.73(I)/2004, as amended], and Regulations No. 576/2002 of the Prisons Law, [L/62(I)1996, as amended].

**7. Food and activities**

59. Detainees that are held in Police Detention Centres are provided sufficient food three times a day. The detainees have the opportunity to enjoy recreational time.

60. In order to create a further control mechanism so as to ensure that the Police does not violate its anti-racial discrimination law and policies, the IAIACAP was established by the Police (Independent Authority for the Investigation of Allegations and Complaints Against the Police) Law, [L.9(I)/2006, as amended] which commenced its operation in May 2006. The five members of the IAIACAP Board, including its President, are appointed by the Council of Ministers for five- year tenure.

61 According to the Law, the IAIACAP investigates complaints against members of the police concerning the three following categories:

- Corruption, bribery or unlawful enrichment
- Violation of human rights
- Actions which constitute favourable treatment or undermine the police repute



62. The investigation of a complaint may commence upon
- A written complaint filed by a complainant
  - Instructions of Attorney General to that effect
  - Instructions of the Minister of Justice and Public Order to that effect
  - An initiation by IAIACAP, *ex proprio motu*, if it becomes aware of an allegation by any means.
63. The complaints are investigated either by members of the IAIACAP or by other investigators who are appointed by the IAIACAP. These investigators are selected from a list provided by the Attorney General.
64. If upon completion of the investigation, the IAIACAP finds that:
- A criminal offence is likely to have been committed, the case is forwarded to the Attorney General who has the competence to decide for criminal prosecution, and
  - A disciplinary offence is likely to have been committed; the case is forwarded to the Chief of Police, for disciplinary action based on the evidence obtained by the IAIACAP.
65. The European Court of Human Rights, by a decision on 18 June 2009 (application no. 20198/05 by Morteza Mollazeinal against Cyprus), noted that the IAIACAP is an independent authority that is not linked in any way, hierarchically or institutionally, to the Police. The ECHR also found that the investigation carried out by the IAIACAP was sufficiently thorough to meet the requirements of article 3 of the European Convention for the Protection of Human Rights.
66. Out of the 137 complaints the IAIACAP has received in 2011, 116 were within the IAIACAP jurisdiction, 44 of which concerned allegations of violation of human rights, 71 concerned allegations of favourable treatment or actions that undermined the police repute and 1 concerned allegations of corruption. The complaints were dealt with as follows:
- 50 complaints were assigned to investigators for investigation
  - The investigation of 16 complaints has been concluded. Disciplinary prosecution was exercised for 1 of them and no offences were justified for the remaining 15 complaints
  - The investigation of 3 complaints was suspended
  - 31 complaints are being investigated
  - For 12 complaints the IAIACAP has carried out a preliminary investigation and the complaints were evaluated as unfounded
  - 28 complaints are pending since the IAIACAP has asked for more information in order to decide whether they are going to be investigated or not
  - 19 complaints were found to be of minor importance and according to the relevant Law, they were forwarded to the Chief of Police to take the necessary actions
  - 3 complaints were retracted by the complainants
  - 4 complaints were suspended due to the complainants' failure to communicate with the IAIACAP

67. It is noted that the IAIACAP members give, on a regular basis, lectures to the cadets of the Police Academy concerning its work and jurisdiction.

**B. The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution**

**Paragraph 3**

68. The Police cooperates with many ethnic groups residing in Cyprus. This is primarily supported by the functioning of the Community Policing Branch.

69. On December 5th 2010, the Police in cooperation with Nicosia Municipality, Human Action (NGO) and several ethnic/religious groups organized a public festival in the center of Nicosia titled “Celebrating Diversity Through Ethnic Music and Dance”, which also included national exhibits and foods, and was very well attended.

**Paragraph 4**

70. The legal requirements to join the Police include among others, Cypriot citizenship and having fulfilled military service for men.

**Paragraph 5**

71. The Refugees Law, [L.6(I)/2000, as amended], incorporates the Geneva Convention on Refugees. Section 19 of the said Law provides that the Head of the Asylum Service recognizes a subsidiary protection status to a third country national or a stateless person who even if he does not qualify as a refugee, there is substantial grounds for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm and is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country.

72. For the purposes of the Law, and according to section 19(2), serious harm is:

- Death penalty or execution; or
- Torture or inhuman or degrading treatment or punishment or
- Violation of a human right, which is serious enough so as to evoke the international commitments of Cyprus
- Serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict

**C. Political rights, in particular the right to participate in elections, to vote and to stand for election on the basis of universal and equal suffrage**

73. The Armenians, Latins and Maronites are the three religious groups (national minorities) recognized by the Constitution.

74. In accordance with the Constitution and upon the establishment of the Republic in 1960, the Maronites, Armenians and Latins opted to belong to the Greek Community. This ensures that all constitutional provisions and electoral laws governing participation and the right to vote and be elected in the national Parliament and in local elections, (presidential, municipal and communal elections) are applied to national minority groups.

75. In addition, each religious group has the right to elect one representative in order to represent the group in the Parliament. The elected representatives of the groups in the Parliament attend as observers and have an advisory role on religious, educational and family matters concerning their group.

## **D. Other civil rights**

### **Paragraph 3**

76. The right of nationality is addressed to in several pieces of legislation:

77. The Civil Registry Law [L.141(I)/2002, as amended], provides as follows:

#### Section 108

78. Citizens of the Republic are the persons who on the date, or after the date of commencement of the present Law, have acquired, or are entitled to acquire citizenship of the Republic of Cyprus according to the provisions of the present Law or according to Annex D of the Treaty of Establishment of the Republic of Cyprus.

#### Section 110(2)

79. The Minister may arrange for the granting of citizenship, to any person who is an adult and of full capacity and who:

- Is the spouse/widow of a Cypriot citizen or, had the Cypriot spouse not died, the non-Cypriot would have had the right to be granted the citizenship
- Has resided in Cyprus with the Cypriot spouse for no less than three years (Depending on the specific circumstances of each case, the Minister may accept the application for couples who reside in Cyprus for three years, but not less than two)
- Is of good character and
- Demonstrates intention to reside permanently in Cyprus if the citizenship is granted to him/her or, depending on the specific case, this person works for the Public Service of the Republic or in the Police even after he/she is given Cypriot citizenship
- Has not entered or resided in Cyprus illegally.”

80. Regarding persons who reside permanently or temporarily abroad, the non-citizen spouse has to have lived with the citizen-spouse for no less than three years. ‘Reside with his/her spouse in Cyprus’ means the couple must reside in Cyprus for at least 6 months a year, and, in any case, the total stay of the couple in Cyprus right before the application is filed, must not be less than 2 years.

Section 111

81. A non-citizen adult residing in Cyprus has the right to apply for the acquisition of the Cypriot citizenship through Naturalization provided that:

- he/she has accumulated 7 years of legal residence in Cyprus
- of which 12 months prior to the application date should be continuous residence in Cyprus
- he/she is of good character (i.e. has clear criminal record) and
- he/she demonstrates intention to reside permanently in Cyprus if the citizenship is granted to him/her

82. The application for Citizenship is examined by the Minister of Interior, who decides upon rejection or approval. If the applicant is unsatisfied by the decision, he/she has the right to appeal before the Supreme Court.

83. Third country nationals (including family members of European Union citizens not covered by the Law on the Right of the Union citizens and their family members to move and reside freely within the territory of the Republic, 2007 [L.7(I)/2007] ) who have resided legally and continuously in Cyprus for five years prior to the submission of the relevant application and who possess valid resident permits are entitled to the Long Term Residence Status. The following categories are exempted from applying:

- Students or persons residing in the Republic for vocational training
- Recognized refugees
- Persons authorized to reside in the Republic on the basis of subsidiary protection
- Asylum seekers
- Persons residing in the Republic on temporary grounds or persons whose residence permit is formally limited
- Persons enjoying a legal status governed by the Vienna Conventions on Diplomatic Relations of 1961 and 1963, the Convention of 1969 on Special Missions or the Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character of 1975.

84. In Aliens and Immigration Regulations of 1972 to 2004, it is provided that, third country nationals may also apply for an immigration permit under any of the following categories:

- Agriculture or animal husbandry
- Mining
- Trade or Business
- Academic Professions
- Employment
- Applicants of independent means

**Paragraph 4**

85. According to section 3(1) of the Marriage Law, [L.104(I)/2003, as amended], the right to marriage is afforded to all couples of individuals of opposite gender, whereas according to section 14(1) of the same law, the free will of the individuals to get married is a precondition for the celebration of the marriage.

**Paragraph 5**

86. Third country nationals residing in Cyprus have the right to purchase residential property upon approval by the Council of Ministers.

**E. Economic, social and cultural rights****Paragraph 1**

87. Cyprus continuously enhances its efforts for improving the working conditions of domestic workers and for full enforcement of the contract of employment.

88. The contract of employment specifies, among others, working hours, paid leave and annual holidays. The current monthly gross wage, as decided by the Council of Ministers, is 478 euros (increased on 1 July 2011). According to a decision taken by the Council of Ministers, a technical committee has been established so as to proceed with recommendations regarding wage, and other terms of employment.

89. In the context of protecting the rights of all workers being employed in the labour market, the established mechanism for resolving complaints submitted by Cypriot, EU and third-country employees, including domestic workers, has examined and resolved issues relating to the violation of terms of employment.

90. There is a gradual and significant decrease of complaints. In total, during the year 2011, 952 complaints have been submitted by domestic workers compared to 1210 during 2010 and 1256 during 2009.

91. The Department of Labour Relations continuously improves the quantitative and qualitative performance of the inspectorate mechanism, through the increase of the number of inspectors, training and preparation of manuals that are used. In addition, a programme co-financed by the European Social Fund aims to improve the enforcement of equality in employment Laws.

92. A positive development in the area of immigration is the abolition of special visas for artists. The new policy was put into practice in September 2009. All third country nationals entering Cyprus to be employed as artists are issued employment permits as creative artists (writers, composers, painters etc) or as performing artists (actors, dancers, singers, etc). Under the revised regime, the applications for employment of third country nationals as artists are submitted to the Department of Labour, as all alien workers and not to the Ministry of Interior, and examined by a committee consisting of representatives from the Department of Labour, the Department of Civil Registry and Immigration Department, the Cyprus Tourism Organization and the Aliens and Immigration Unit of the Police. This development is expected to have a positive effect on the combating of human trafficking.

## **Paragraph 2**

93. Freedom of association, including the right to set workers' unions and employers' association is guaranteed by Article 21 of the Constitution of the Republic, for all workers in the Cyprus.

94. The Trade Unions Registration Service, -which operates under the supervision of the Director of Labour Relations and Registrar of Trade Unions and whose mission is to ensure the enforcement of the Trade Union Laws and regulations as well as the efficient operation of the Trade Union movement in Cyprus-, grants all citizens in Cyprus, including European Union nationals as well as third country nationals, the right of freedom of association and the right to join a union. Therefore, no restrictions exist, apart from the age limit (should be above 16 years old) to join trade unions and the right of freedom of association is restricted neither to specific provisions nor to specific types of contracts.

## **Paragraph 3**

95. Regarding the housing conditions of the Cypriot Roma, the Government set up two housing projects, one in Limassol and one in Pafos District, which consist of prefabricated housing units. The aforementioned housing units are equipped with all basic amenities such as water, electricity supply, solar water heaters, telephone line installation, sewage etc. In addition, the Government has repaired and improved 20 houses inhabited by the Roma people in Limassol.

96. Moreover, the basic aims of the NAPITCNLRC on the migrants' housing policy are the creation of a supportive structure for dealing with emergencies, the reception and temporary housing of migrants, the guarantee of migrants' access to adequate and safe housing and the improvement of migrants' quality of life. Within the framework of upgrading the Nicosia city centre, it has been decided to support and encourage local authorities and NGOs to create or improve the existing units of child care of multicultural character. An example of such a centre is a child care unit operating in the Nicosia municipality area with the aim of facilitating migrant women with small children to full employment and also to enhance the social inclusion of children.

97. The Reception Centre for asylum seekers in Kofinou area is the first reception centre in Cyprus. In order to improve the quality and quantity of the reception conditions, it has been decided to increase the capacity of the centre by adding new homes. It has also been decided to improve the existing facilities by adding more sanitary rooms and create classrooms and study rooms for children. In this centre, the Asylum Service decided that priority would be given to vulnerable groups, i.e. families with small children, single women or women with children.

98. Two new accommodation centres began their operation in 2011, with maximum capacity of 70 persons each (not calculating children under 2 years old). The first centre is located in Larnaca and the other in Paphos. They began their operation in March 2011 and April 2011 respectively. Both centres offer accommodation, three meals a day and each centre is supported by an administrative officers and a social worker. The administration of the centres is co-financed by the European Refugee Fund 2008-2013 for a period of two years.

## **Paragraph 4**

99. The national legislation and practices, and the medical ethics prohibit any racial or any other kind of discrimination between the patients.

100. During the period under review, the Safeguarding and Protection of the Patients Rights Law, 2005, [L.1(I)/2005] was enacted. It expressly provides for prohibition of unfair discrimination and that decisions should be made ‘without discrimination and in a fair manner and on the basis of objective scientific/professional criteria’. The same Law, in Part III sections 21-24, provides for a control mechanism that is a procedure for filing complaints for any violation of patients rights to independent authorities at first instance and appellate level.

101. Health-care services are provided to all people in Cyprus at the public medical institutions all over Cyprus and they are being adapted to meet the special needs of patients or any special group of patients.

102. Health-care benefits provided by the Ministry of Health (MOH) are not related to the employment status of beneficiaries. Health-care benefits are provided to Cypriots and European citizens working and permanently residing in Cyprus. However, the majority of the population (80 per cent) is entitled to free medical care.

- The right to access the health-care system relates to the family income and not the employment status.
- For health-care provision, non-national European citizens working in Cyprus are treated as nationals. Third country nationals are covered by medical insurance which is a pre-requisite for any employer applying for a permit who wants to employ a third country national.
- Free health care is provided at the governmental medical institutions for people and families with low income. Primary health care is provided at the 35 rural health centres, scattered all over the island and through the outpatient departments of the district hospitals. In addition the MOH is implementing and constantly developing a home nursing programme for people who cannot access the health centres.
- Turkish Cypriots who reside in the occupied area are entitled to free health care irrespective of their income. According to the Decision by the Council of Ministers, No. 62148 of 9 June 2005, a Healthcare Card is issued upon presentation of the passport or identity card of the Republic of Cyprus.
- The MOH provides medical and health care at all levels free of charge for those eligible. Furthermore, medical care is provided free of charge in all cases at the Accident and Emergency Departments irrespective of economic status or nationality of the person involved, including visitors. Persons making use of the private medical sector pay the fees out-of-pocket. Certain groups are covered by medical funds, operated by trade unions or employers. These funds provide full or partial coverage of medical expenses incurred by their members. The health services offered by the Government are primary, secondary and tertiary.
- Preventive, curative, and rehabilitative health facilities are available throughout the State.

### **Paragraph 6**

103. In the context of protecting the rights of all immigrant workers being employed in Cyprus, and especially women, so as to ensure the equal enjoyment of rights, free from any gender or racial discrimination, the Department of Labour Relations has established a procedure for the examination of their complaints regarding violation of terms of

employment and exploitation. The procedure is additional to their legal right to proceed to the Labour Disputes Court.

104. Moreover, in an effort to reduce the pay gap, which in 2009 was 21.3 per cent (21.8 per cent in 2008 compared to 17.1 per cent in the EU), the Department of Labour Relations implements a Project co-financed by the European Social Fund, which aims at reducing the gender pay gap between men and women. The project consists of a broad mix of measures, and includes specialized training programmes for inspectors, with the purpose of establishing an effective inspection mechanism for the enforcement of equal pay legislation, the establishment of a Gender Equality Certification Body, as well as measures for eliminating occupational and sectoral segregation which include interventions in education issues. The proposal includes campaigns for raising awareness on equal pay, training programmes for trade unions and employers associations, and also the development of manuals, guides, self-assessment tools, codes of practice and job evaluation tools for managers/human resource professionals.

105. In relation to this section, see also the combined sixth and seventh periodic report of Cyprus on the United Nations Convention on the Elimination of All Forms of Discrimination against Women, 2011 and in the third periodic report of Cyprus on the Application of the Framework Convention of the Council of Europe for the Protection of National Minorities.

## **Article 6: Effective protection and remedies**

### **A. Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 6 of the Convention; B. information on whether, a body was established within the national legal order competent to receive and consider petitions from individuals and groups of individuals**

106. See analysis under article 2 hereinabove.

#### **Paragraph 2**

107. In 2010 a brochure titled “Policing in the Republic of Cyprus” was issued in four languages (English, Bengali, Sri-Lankan, and Vietnamese), and was distributed to the respective communities. The brochure gives information on emergency and useful police telephone numbers and hotlines, on translation provisions by the police if so needed, on issues related to travel documents, on issues related to employment in Cyprus, on road safety, on employment opportunities by the Police, etc.

108. A Manual of inter-cultural sensitivity was published by the Police in 2010 in order to further promote understanding of various religious and ethnic groups and also to be used as an additional training tool during police trainings on the issue.

109. Any natural person (nationals and non-nationals) who cannot bear the costs of the proceedings without affecting the basic needs and obligations of himself and his family is entitled to receive legal aid.



110. The factors to be taken into account for granting legal aid are the applicant's financial situation, the interests of justice taking into account the gravity of the case and other relevant circumstances according to the Legal Aid Law [L.165(I)/2002, as amended].

111. According to this Law, sections 4, 5, 6, 6A, 6B, legal aid is granted in proceedings before the Courts and particularly in:

- (a) Criminal proceedings;
- (b) Civil and criminal proceedings for specific violations of human rights;
- (c) Proceedings before the Family Court in relation to matters of family relations, parental responsibility, alimony, recognition of child, adoption, property relations of spouses and any other dispute in the marriage or in the family; and
- (d) Cross-border disputes;
- (e) Asylum seekers and refugees when lodging a recourse before the Supreme Court of Cyprus according to article 146 of the Constitution.

112. The scope of the legal aid scheme has been extended to cover judicial procedures in Cyprus for returning illegally staying third-country nationals, in harmonization with the Directive 2008/115 EC which was transposed to the national legal order with the Aliens & Immigration Law, [CAP.105].

#### **Paragraph 5**

113. In cases where a person who considers him/herself as being discriminated against, can show the court facts from which it may be presumed that there has been discrimination, it shall be for the respondent to prove that there has been no breach of the provisions of the laws. The same applies for cases brought before the Ombudsman under Law of The Commissioner for Administration Law, 1991, [L.3/91, as amended].

## **Article 7: Education, culture and information**

### **A. Education and teaching**

114. Concerning the promotion of understanding, tolerance and friendship among nations and all groups of population, Cyprus educational system is systematically and continuously being modernized and has been orientated towards elimination of any form of discrimination.

115. Cyprus has initiated an Educational Reform Program. It started with a dialogue among all stakeholders including political parties, teacher unions, parents associations, associations of students, the Ministry of Education and Culture (MOEC) and the Planning Bureau, with a view to materialize the vision of a better and more modern educational system that would meet the needs and challenges of the twenty first century. This initiative was launched in January 2005, following a report by a Committee of seven academics which identified the weaknesses of the Cyprus Education System and the areas in need of reform and made recommendations.

*Higher education*

116. General and specific measures have been taken to make higher education equally accessible to all, on the basis of capacity. Turkish Cypriots who graduate from high school are eligible for admission upon success in special examinations set by the public universities. A limited number of places (10 per cent) are granted to special categories of people such as the disabled due to acts of war, children of missing persons as a result of the 1974 Turkish Invasion, persons living in the occupied area of the country. Three per cent of the places are also granted to the handicapped and people with special needs. Students with serious financial problems may be subsidized by the Student Welfare Fund, which is supported financially by governmental initiatives.

*Lifelong education*

117. Great importance is also placed on the promotion of lifelong education by the implementation of several measures for enhancing adult education and providing opportunities for access to programmes of lifelong learning for all citizens. A comprehensive Lifelong Learning Strategy for Cyprus, covering the period 2007 – 2013, was adopted in 2007.

*Children with special needs*

118. A law has been enacted to cover the needs of children with special needs in education, namely, the Education and Training of Children with Special Needs Law, 1999, [L.113(I)/1999, as amended], which regulates all issues concerning the identification of children with special education needs, their inclusion in regular schools and the provision of education according to their needs. This Law is under review to improve the system of supporting children with special needs based on the experience gained from its application in the last 12 years.

*Teacher training*

119. The radical improvement of the quality of teaching through teacher training is one of the pillars on which the effort for Education Reform has been based on. Within this context, the pre-service training of secondary school teachers, which was carried out previously by the Pedagogical Institute, has been upgraded and assigned to the University of Cyprus.

120. Additionally, a comprehensive strategy for the in service training of teachers has been adopted, which aims at the systematic identification of training needs and planning specific programmes to address these needs for upgrading the skills of the teachers at various stages of their career.

121. Developing multicultural awareness, providing information among the pupil population of the way of life, patterns of thought and attitudes of people who differ among themselves, attempting to understand differences and communicating with people are important features of schooling. During the period under review, service training seminars of teachers for teaching Greek as a second language were organized by the Pedagogical Institute in an attempt to inform and educate teachers on the inclusion of migrants, refugees and asylum seekers.

122. Moreover, the Optional Seminars organized by the Cyprus Pedagogical Institute regarding the inclusion of immigrants, refugees and/ or asylum seekers include the following:

(a) A modular seminar on Education of Children of migrant background covering social and pedagogical issues as well as the use of research in dealing with issues as the ones described;

(b) A series on Education for Democratic Citizenship and Human Rights Education (EDC/HRE) for all levels of education (pre-primary, primary and secondary). During these seminars, participants were trained on issues related to EDC/HRE, prepared action plans for their school, pilot them and give feedback to the team in order to exchange and improve their practices;

(c) Optional seminar on intercultural education and education against discrimination. The courses offered to newly appointed Heads of secondary schools include a five hour session on intercultural education, educational policy and the role of school leadership covering issues related to children of migrants, refugees and asylum seekers in secondary schools in Cyprus.

123. The following events were financed by the EU Social Inclusion Fund and related to intercultural dialogue:

(a) Intensive course for teachers of Greek as a second language (February 2009);

(b) Conference on teaching Greek as a second language (June 2009);

(c) Intensive course on Intercultural Education with an emphasis on children with migrant background (September 2009);

(d) Conference on Intercultural Education and Peaceful Coexistence (November 2009);

(e) Conference on Discrimination (Progress Program) with emphasis on ethnic and linguistic discrimination and refugees (based on a Pedagogical Institute project on refugees' integration in Cyprus funded by Research Promotion Foundation (held in January 2010).

124. The Centre for Educational Research and Evaluation of the MOEC has undertaken a research project in order to evaluate the effectiveness of an intensive training programme for bilingual students (this group of students includes the children of migrants, refugees and asylum seekers) which is currently implemented in 46 Secondary Education schools across Cyprus. One of the main objectives of the project is to evaluate the learning outcomes of the programme through the use of a series of pre and post tests. The result of this research project is expected to have a strong impact regarding the policy making decisions of the MOEC for further improvement and expansion of the programme.

125. Teacher trainers of the Cyprus Pedagogical Institute participate also in the Pestalozzi modules on Intercultural Education and EDC/HRE as well as in other relevant activities (e.g. CORE project, THEO project), organized by the Council of Europe. The trainers are involved in the production of training materials and the development of training units in order to act as multipliers in their own education context.

126. Under the Progress 2009 programme "Creativity and Innovation against discrimination", a teacher guide has been prepared offering ideas on a holistic school approach to fight discrimination including discrimination related to ethnic, religious and linguistic identity.

127. Further to the above, the MOEC has designed, developed and implemented an upgraded educational curriculum as regards to Multicultural Education, aiming to the

smooth inclusion of students from other member States as well as third countries, based on the philosophy of the Educational Reform Program.

128. Under the Educational Reform Program the process for the revision and the modernization of all curricula of public education, from pre-primary to upper secondary education with the aim of better addressing the needs of the students for the 21st century, has been initiated with the appointment of a Committee of Experts for the Modernization of the Curriculum in 2008. Within this context, most subjects have been revised, or are currently revised in order to comply with contemporary principles and methodology including approaches that promote human rights issues, anti-racism, anti-discrimination and democratic citizenship education, as adopted by the Council of Europe, emphasizing aspects that unite all the residents and communities of the island without distorting historical events or using historical events to promote hatred among people.

129. The Committee of Experts for the modernization of the Curricula has presented its proposal to the MOEC for approval in August 2010. The proposal was accepted by the MOEC which has implemented an intensive in-service training programme for all educators regarding the objectives, the application and the use of the new curriculum at all relevant levels.

### **Paragraph 3**

130. School textbooks do not include derogatory characterizations and stereotypes references, names or opinion concerning groups protected under the International Convention on the Elimination of All forms of Racial Discrimination. The new curriculum has been assessed by an appointed committee of independent experts as to whether they fulfill the international criteria on multicultural education as well as gender issues. The outcome of the assessment was overall positive. Particular consideration of this issue will be taken in the preparation of new textbooks and other educational material based on the new curriculum.

### **Paragraph 4**

131. In order to raise awareness concerning the principles of non-discrimination and equality the MOEC has issued a circular to cover three consecutive years (September 2008-September 2010)- which is now extended and established as an ongoing and continuous governmental priority- in which great emphasis is placed on the priority goals:

“Enhancement of mutual respect and understanding among the different cultures of the island for nurturing the peaceful coexistence”.

132. Teachers of all levels of education, students and parents received information and were encouraged to participate in planned events (conferences, seminars, plays, book-clubs, etc.) related to the objective and plan special activities that shall include:

(a) Creating cross curriculum approaches in order to highlight cooperation, mutual understanding and love between individuals and peoples and generations free from the spectrum of intolerance and chauvinism aiming at safeguarding freedom justice and peace. Additionally, the European Year for intercultural Dialogue, one of the priority goals of the 2007-2008 school year, continues to provide the framework of activities for the implementation of the recommendations of the Council of Ministers;

(b) Practical modalities such as informing and sensitizing all stakeholders, involved in the educational process, in terms of implementing the right to human rights

education and training have been also set by the MOEC. For example, in public schools during the past few years, this important issue was approached using the interdisciplinary method in a variety of subject matters such as Literature, History, Civics and Geography. The framework for human rights education and training was developed on the following permeating priorities addressing all aspects of the educational system, with emphasis on multidisciplinary approaches and experiential learning such as:

- Raising public awareness on human rights education and democratic procedures
- Educating stakeholders in the related areas
- Differentiating teachers' and students' attitudes
- Strengthening of Human Rights Education in the educational system at all levels
- Clarifying the role and strengthening the capacities of the mass media for Human Rights Education, using appropriate language and pictures
- Promoting active involvement of NGOs in the realization of the goals of Human Rights Education at different levels. In this effort, a number of governmental and nongovernmental organizations were involved which offered their expertise and valuable knowledge by using the following methods and activities:
  - Participatory teaching and active learning methods
  - Projects, group work and simulations
  - Use of drama role playing, case studies
  - School visits and excursions
  - Use of research techniques in the school and the community
  - Debates on human rights with the participation of the students, parents and teachers
  - Developing on human rights with participation of the students, parents and teachers
  - Developing school, class and family charters of right-making comparisons with the United Nations Convention on the Rights of the Child
  - Preparation of educational material
  - Essay and drawing competitions

#### **Paragraph 5**

133. Under the proposals for the Fundamental Rights Agency (FRA) Annual Work Program, the MOEC cooperates with the MJPO in order to continue implementing a project under the name 'Progress Report' (which was first launched to cover the years 2008-2010) regarding Human Rights Education which aims to promote respect of human rights principles in all educational levels.

#### **B. Culture**

134. In an effort to promote anti-discrimination campaign, the Office of the Ombudsman launched the following:

- (a) Media campaign: Production of a TV spot and two Radio spots that will raise awareness and also sensitize the general public on discrimination exhibited on the basis of race, age, and sexual orientation;
- (b) Publish Two Codes of Good Practices: The first is for the media and the presentation of news/issues that concern people of different racial or ethnic origin. The second is on combating discrimination against people with disabilities in the field of employment;
- (c) Financial support for the production of a theatre play concerning discrimination;
- (d) Financial support for an NGO working on gender issues to conduct a Survey aiming to identify the needs to vocational training of migrant women in Cyprus.
- (e) Organize a lecture regarding the (positive) role that literature can play in the integration of immigrants in Cyprus;
- (f) Organize a seminar regarding the rights that citizens of the Union who reside in Cyprus should enjoy;
- (g) Publish (new) Information leaflets on the competences of our Office as an Equality Body and the 2 authorities that function within it;
- (h) Construct a website for the Equality Body;
- (i) Organize a one day event regarding the history, culture and minority rights of the three religious groups (national minorities) of Cyprus, namely, the Armenians, the Maronites and the Latins;
- (j) Co-Organize, with an NGO working on Gender issues, a Seminar regarding “Gender mainstreaming in Migration Policies and in Practice”;
- (k) Organize a seminar to train union members on anti-discrimination legislation;
- (l) Cooperate with the Labour Institute to:
  - Financially support the maintenance and upgrading of the Institute’s antidiscrimination website, (which was constructed two years ago with funds received from progress)
  - Financially support the Institute in Conducting of a survey on discrimination against migrant workers in the field of employment

**Paragraph 1**

135. In Cyprus, the institutions or associations which develop this kind of activity are Cypriot cultural organizations, foundations, groups of artists, non-governmental organizations or even individual artists. They focus on developing activities to promote, revive and safeguard aspects of folk and traditional culture in the fields of music and dancing, instrument playing and customs of the rural life of the island. Other institutions/associations choose to focus on developing cultural activities of a bi communal or international character.

136. In addition, the cultural organizations and foundations of the national minority groups of Cyprus develop their cultural activities aiming to safeguard and promote aspects of their traditional cultural identity, as well as to promote tolerance and cultural understanding.

**Paragraph 2**

137. All institutions and associations are supported by the Cultural Services of the MOEC. Their main goals are the development of cultural activity in every field of artistic creation, the protection and enhancement of cultural diversity and intercultural dialogue and the promotion of the artistic creation developed in Cyprus abroad.

138. In order to achieve these goals, they implement a twofold policy: First, they implement a variety of programmes of project-based subsidization towards individual artists, union of artists, organized groups of artists, cultural organizations and foundations and non-governmental organizations. Second, they create opportunities for artists to present their work, such as Dance Platforms, Film Festivals, Art Exhibitions, Theater and Music Contests. They also provide financial support to Cypriot artists who participate in festivals and conferences abroad.

**Paragraph 3**

139. In recognition of the special educational and cultural needs of its religious groups, Cyprus is a signatory to the European Charter for Regional or Minorities Languages. It has officially declared the Armenian language and the Cypriot Maronite language as minority languages undertaking specific responsibilities for their protection and revival.

140. Turkish language is part of the curriculum and is taught at the primary and secondary schools where Turkish speaking students attend and as an elective course at the level of upper secondary education.

141. Additional educational support measures have been undertaken for the inclusion of students who do not have Greek as their mother language in the Cyprus Educational System, within the context of the Zones of Educational Priority (ZEP).

**C. Information**

142. The mass media, state and private, is an important weapon in the battle against discrimination.

143. The Cyprus Radio Television Authority is an independent regulatory body established under the Radio and Television Stations Law, 1998 [L.7(I)/1998, as amended]. Within the framework of this law, the Press Ethics Committee in collaboration with the Radio Television Authority co-regulates all printed and audiovisual media and ensures that the media avoid the promotion and incitement of all forms of discrimination.

144. In designing the National Strategy and planning of the activities and priorities of the European Year of Equal Opportunities for All (2007) the following steps had been taken:

(a) Active participation in the implementation of the Community Action Program to Combat Discrimination, the Stop Campaign “For Diversity Against Discrimination”, the European Year of Equal Opportunities for All (2007) and the Community Program for Employment and Social Solidarity (Progress, 2007-2013) through various national awareness raising activities such as campaigns, seminars, press-conferences, releases, educational programmes, festivals and publications. Cyprus is achieving valuable and sustainable results including permanent horizontal networks, structural changes within the educational system and the police, training of teachers and police officers, data-base and other information material;

(b) On 14 December 2007, the Technical Assistance Information and Exchange Office (TAIEX) with the financial support of the European Commission and in collaboration with the MJPO, the Law Office of the Republic, the Supreme Court and the Cyprus Bar Association organized a Seminar on the implementation of the EU acquis on non-discrimination;

(c) During the period 2004-2010 the National Machinery of Women's Rights (NMWR) has subsidized various programmes and activities in this area including the following research programmes which have been carried out by NGO's:

(i) "Identification of the educational and training needs of Migrant Women in Cyprus" (2008), Cyprus Gender Research Center;

(ii) "The problems of European Women in Cyprus" (2010), Socialists Women's Movement.

(d) A special subcommittee on Vulnerable Groups of Women has been set up under the NMWR to study and raise awareness to the problems of the most vulnerable groups of women. In a conference that was held in March 2009, "Women with Disabilities and Chronic Diseases: Better opportunities in Life", women with disabilities spoke out presenting their problems. The findings of this conference were published in Braille system in collaboration with the School of Blinds.



## Annex

### Legislation index

- Equal Treatment in Employment and Occupation Law, 2004 [L.58(I)/2004]
- The Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law, 2004 [L.42(1)/2004]
- Law on The Combating of Trafficking and Exploitation of Persons and the Protection of Victims, 2007, [L.87(I)/2007]
- European Convention for the Protection of Human Rights and Fundamental Freedoms (Protocol No.12) (Ratification) Law, 2002, [L. 13(III)/2002]
- The Convention of the Council of Europe Against Cybercrime and its Additional Protocol on criminalization of acts of a racist and xenophobic nature committed through computer systems (Ratification Laws), 2004 [L. 22(III)/2004 and L.26(III)/2004]
- The Equal Treatment (Racial or Ethnic Origin) Law, 2004, [L.59(I)/2004]
- The Equal Treatment in Employment and Occupation Law, 2004, [L.58(1)/2004]
- The Equal Treatment between Men and Women (Access to and Supply of Goods and Services) Law, 2008 [L.18(I)/2008]
- The Equal Pay Between Men and Women for the Same Work or for Work to which Equal Value is attributed Law, 2009 [L. 38(I)/2009]
- The Combating of Racism and Other Forms of Discrimination (Commissioner) Law, 2004 [L.42(I)/2004]
- The Rights of Persons Arrested and taken into Custody Law, 2005 [L.163(I)/2005]
- Aliens & Immigration Law. CAP. 105, [L. 153(I)/2011]
- Police Law, 2004 [L.73(I)/2004]
- Prisons Law, 1996 [L/62(I)1996]
- Independent Authority for the Investigation of Allegations and Complaints Against the Police) Law, 2006 [L.9(I)/2006]
- Refugees Law, 2000 [L.6(I)/2000]
- Civil Registry Law, 2002 [L.141(I)/2002]
- Law on the Right of the Union citizens and their family members to move and reside freely within the territory of the Republic, 2007 [L.7(I)/2007]
- Marriage Law, 2003 [ L.104(I)/2003]
- The Commissioner for Administration Law, 1991 [L.3/91]
- Law ratifying the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment Law, 2009 [L.2(III)/2009]

- Law on Combating Certain Forms and Expressions of Racism and Xenophobia by means of Criminal Law, 2011, [L.134(I)/2011]
  - The Safeguarding and Protection of the Patients' Rights Law, 2005, [ L.1 (I)/2005]
  - Education and Training of Children with Special Needs Law, 1999 [L.113(I)/1999]
  - Radio and Television Stations Law, 1998 [ L.7(I)/1998]
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