



*Permanent Mission of the Republic of Cyprus
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The Permanent Mission of the Republic of Cyprus to the United Nations Office at Geneva and other International Organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and with reference to the document with ref. no. A/CONF.211/PC.2/2 dated 9.1.2008 of the Preparatory Committee of the Durban Review Conference concerning the questionnaire to Member States prepared by the Office of the United Nations High Commissioner for Human Rights, Pursuant to Decision PC.1/10 of the Preparatory Committee of the Durban Review Conference at its First Session (A/62/375), has the honour to enclose herewith one document of the Ministry of Justice and Public Order, containing answers to the six questions of the above mentioned questionnaire and one document consisting of fifteen points prepared by the Law Office of the Government of the Republic of Cyprus regarding the implementation of Durban Declaration and Programme of Action.

The Permanent Mission of the Republic of Cyprus to the United Nations Office at Geneva and other International Organizations in Switzerland avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 29 February 2008



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1. Cyprus has ratified since 1967 the International Convention on the Elimination of All Forms of Racial Discrimination, and also most European and United Nations Conventions relating to discrimination. It has also enacted important primary anti-discrimination legislation in the context of its harmonization with European Union Council Directives, which covers matters highlighted in the Questionnaire.

2. Legislation thus enacted for harmonizing with European Union Council Directive 2000/43 on the implementation of the principle of equal treatment irrespective of racial or ethnic origin, ("The Equal Treatment (Racial or Ethnic Origin) Law 2004") prohibits discrimination on any of the above grounds, in both public and private sectors, in matters of social protection, health treatment, social services, training, and access to goods and services. Violation of the provisions of the Law is a criminal offence and the person who has been discriminated against is afforded the right to institute civil proceedings for compensation covering both pecuniary and non-pecuniary damage. This statutory right is additional to the right established by case-law, to institute civil proceedings for recovery of just and reasonable compensation for human rights violations (see below under para.4).

3. Legislation also enacted for harmonizing with Council Directive 2000/78, ("The Equal Treatment in Employment and Occupation Law 2004") prohibits discrimination specifically in the spheres of employment and occupation on any of the above grounds, and also on grounds of religion, belief, sexual orientation, disability and age.

4. In addition to the enactment of primary anti-discrimination legislation as above, there were case-law developments. It was established by case-law in 2001, (by Judgment of the Supreme Court of Cyprus in the Case of Yiallourou v. Evgenios Nicolaou) that violation of human rights is 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. The result is, that a person who, on grounds of inter alia race, community, colour, religion, language, political or other belief, or national origin, is discriminated against, whether directly or indirectly, in the enjoyment of human rights and freedoms

guaranteed by the Cyprus Constitution, (in Part II of its provisions largely reproducing those of the European Convention of Human Rights) can sue the state or private persons for damages and or other appropriate civil law remedies, for violating his constitutional right (under Article 28) to enjoy the above rights and freedoms without such discrimination. The resulting remedy is additional, and of wider ambit than the statutory one referred to in para.2 above concerning violation of the provisions of the Equal Treatment (Racial or Ethnic Origin) Law 2004.

5. Another very important law in the combat against discrimination. The Combating of Racism and Other Discrimination (Commissioner) Law 2004, vests the Commissioner for Administration – an independent Officer - with special competences, duties, and powers for combating and eliminating discrimination in both public and private sectors.

6. Under its provisions, any person or group may lodge a complaint to the Commissioner as to having been subjected to discrimination prohibited by any law (such as by the primary anti-discrimination laws referred to in paras.2 and 3 above).

7. In addition, the complaint may be one of discrimination, (based on *inter alia* community, race, language, colour, religion, and national or ethnic origin) in the enjoyment of rights and freedoms safeguarded by the Cyprus Constitution, or any of the human rights Conventions ratified by Cyprus. The relevant Conventions are referred to explicitly in the law and are non-exhaustive. The result is, that a complaint can also be lodged as to discrimination in the enjoyment of the rights and liberties guaranteed by the European Convention for Human Rights, (and all its Protocols including Protocol No.12) the Framework Convention for the Protection of National Minorities, the International Convention for the Elimination of All Forms of Racial Discrimination, the Covenant for Civil and Political Rights, and the Convention Against Torture and Inhuman and Degrading Treatment or Punishment.

8. The discrimination complained of may have been perpetrated by some treatment or conduct, or the application of a provision, term, criterion or practice which may be specifically prohibited by law as discriminatory, (for example under the

provisions of primary anti-discrimination legislation) or which may constitute direct or indirect discrimination in the enjoyment of any of the rights and freedoms safeguarded by the Constitution and human rights Conventions as above. The Commissioner can thus supervise the implementation not only of primary anti-discrimination, but also of the enjoyment without discrimination of the human rights provisions of the Constitution and Conventions .

9. The Law covers discriminatory provisions/terms/criteria/practices, which may be found in inter alia contracts of employment, collective agreements, articles of association of legal persons, societies, bodies, and institutions, contracts for the supply goods and services, and terms of membership of organizations, including professional ones.

10. In case of a finding of discrimination, (following an investigation into the complaint) the Commissioner 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, not only vis-a-vis the complainant, but also vis-a-vis all persons who are, or may find themselves in a similar situation.

11. The Commissioner can also carry out investigations ex proprio motu into incidents of discrimination, and also 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 Commissioner can make suggestions to the person or group as to alternative treatment/conduct, or abolition/substitution of the provision/term/criterion/practice.

12. Findings and reports made by the Commissioner, when involving discriminatory provisions/terms/criteria/practices found in legislation, must be communicated to the Attorney-General of the Republic, that is, to the Republic's Legal Adviser, who is under the Constitution an independent Officer of the State. As the Republic's

Legal Adviser, the Attorney-General is also the Agent of the Government in proceedings to the European Court of Human Rights. His Office, that is the Legal Service of the Republic, is also the Agent's Office, responsible for advising the Government concerning its human rights obligations, and the enforcement of human rights through administrative/legislative measures. This is done in practice by lawyers of the Human Rights Sector of the Office, headed by the Attorney-General. Exercise of the above competences and responsibilities requires communication to the Attorney-General's Office under explicit provisions in the Law, of the Commissioner's findings and reports, for advising the state on the adoption of appropriate legislative/administrative measures. In so advising, the lawyers responsible take into account the Republic's international/Convention obligations and the Court's case-law, and prepare at the same time legislation for abolishing/substituting the relevant legislative provision.

13. The Commissioner also has 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 inter alia promoting equality of opportunity irrespective of community, racial, national or ethnic origin, religion, language, and colour. The Commissioner has a duty to carry out surveys and statistics, including into activities as above, 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.

14. Cyprus has Ratified Protocol No.12 to the European Convention of Human Rights which has been in force in Cyprus since April 2005¹. It has also ratified the Additional Protocol to the Convention on Cyber Crime, (in April 2005) concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems. Specific legislation sets up the institutional framework for the examination of international protection needs by providing for an asylum service, (an independent body functioning in the Ministry of Interior) with

¹ International legal instruments ratified by Cyprus can be invoked directly before domestic courts and take precedence over domestic law. Equality before the law, the administration, and justice, and enjoyment of constitutional rights by all, (citizens and non-citizens) without discrimination, is guaranteed by the Constitution in terms identical to those of the ECHR.

competence to make first instance decisions on asylum applications, and for an independent Review Authority with competence to examine appeals.

15. Cyprus law criminalizes inter alia the following acts/conduct under the ratification legislation of the International Convention on the Elimination of All Forms of Racial Discrimination, and under the Criminal Code-

- **Incitement to acts or activities likely to cause racial discrimination, violence or hatred,**
- **public expression of ideas which are racially insulting,**
- **discriminatory refusal to supply goods and services in the exercise of one's profession,**
- **establishment or participation in organizations that promote racial discrimination,**
- **publication of material that promotes ill-will or hostility between different communities,**
- **public statements likely to instigate ill-will between communities,**
- **procuring to acts of violence, mutual discord, or a spirit of intolerance, and**
- **discriminatory conduct by members of the civil service**

“Report of the Human Rights Council on the preparations for the Durban Review Conference”

Question 1: Can you assess the implementation of the Durban Declaration and Programme of Action in your country.

- Following the United Nation's World Conference Against Racism (WCAR), in September 2001, the Ministry of Justice and Public Order in collaboration with the Law Commissioner and President of the National Organization for the Protection of Human Rights, the Attorney-General of the Republic, the Commissioner for Administration and all other Key Actors (Ministries/Governmental Departments and NGOs) prepared, in 2002, a National Report on the implementation of the conclusions of the European and World Conferences against Racism. The Report is divided into four Chapters: Chapter I - Legislation, Chapter II - Measures to combat discrimination, Chapter III - Information on Specific Fields and Chapter IV - Action Plan. In Chapter IV of the Report a National Action Plan Against Racism (NAPAR) was drawn up, where planned activities and/or measures (legislative or administrative) for the period 2002-2004 were included. Next to each activity/measure the responsible authority for its implementation was designated, as well as the timetable, for its adoption.

On 27 February, 2002, the Council of Ministers adopted the Report together with the NAPAR and appointed a Ministerial Committee to closely monitor the Action Plan, with a view to assessing its impact and effectiveness.

Also an ad-hoc Committee consisting of representatives from the Law Office, the Law Commissioner, the Commissioner for Administration and all interested parties (Governmental and non-governmental) was appointed to assist the work of the Ministerial Committee, on progress made towards implementation of the various measures/activities included in the Plan.

Since the adoption of the National Action Plan two Reports of the ad-hoc Committee were submitted to the Ministerial Committee on progress made towards implementation of the various measures included in the Plan of Action. It is worth mentioning that all activities/measures designed in the Plan were implemented within the given timetable.

- Meanwhile, a National Plan for Employment, for the period 2004 - 2006 was prepared by the Ministry of Labour and Social Insurance within the framework for the Employment Guidelines adopted by the European Council and the Broad Economic Policy Guidelines (BEPGs). Within the policies and measures included in the Cyprus NAP is the promotion of and combating discrimination against people at a disadvantage in the labour market.
- Furthermore, the Ministry of Labour and Social Insurance adopted in July 2004 a National Action Plan for Social Inclusion for the period 2004 - 2006, which incorporates all policies for the successful harmonization of Cyprus with the general European targets, mainly the Lisbon Strategy.

- Within the national policies for people with disabilities for the period 2004 - 2006, the Service for the Welfare of the Disabled has introduced three new Schemes co-financed by the European Social Fund. These aim:
 - (i) To strengthen infrastructures aiming to facilitate social inclusion and professional rehabilitation of adults with visual disabilities.
 - (ii) To provide incentives for the employment in the private sector of persons with serious disabilities, either by covering part of the cost for the adjustment of the work place or by subsidizing part of the labour cost, and
 - (iii) To provide incentives for the employment of persons with disability of any kind and degree by subsidizing employers and subsidize the social insurance contributions.
- Recently, a National Action Plan on Gender Equality for the years 2007 – 2013 has been drawn up. This was formulated on the basis of the Beijing Platform for Action as well as EU policies, and in particular the Road Map, the European Pact for Gender Equality and the Lisbon Strategy. It was approved by the decision of the Council of Ministers on 29 August 2007.

The Plan aims at a holistic approach of gender equality issues and the implementation of gender mainstreaming in six priority areas: (i) Equality in employment and vocational training, (2) promotion of gender equality in education, science and research, (3) promotion of equal participation and representation of men and women in the political, social and financial sector, (4) combating all forms of violence against women including trafficking, (5) promotion of equal access to services and equal enjoyment of social rights for men and women, (6) changing of stereotypes and forming of a collective and social attitude towards women, as well. The above priorities further breakdown to various actions which will be implemented through the National Machinery of Womens' Rights and the relevant authorities.

- As a general remark, it is worth mentioning that during the last decades and more systematically since May 2004 when Cyprus joined the EU remarkable anti-discrimination work has been carried out by all competent National Authorities (Law Office, Independent Bodies, Ministries, NGOs, social partners and other civil society actors). This work includes comprehensive legislation, structural changes and series of awareness raising activities such as educational and housing programmes, campaigns, conferences, seminars and other organized events, studies, research on attitudes etc. Regarding the grounds of discrimination, the work for disabled and for gender equality have the longest establishment tradition.

Question 2: Can you assess contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance as well as initiatives in this regard with a view to eliminating them in your country.

See answer to question 3 below.

Question 3: Please identify concrete measures and initiatives for combating and eliminating all manifestations of racism, racial discrimination, xenophobia and related intolerance in order to foster the effective implementation of the Durban Declaration and Programme of Action.

- The establishment, since 2004, of an Independent Authority, the "Cyprus Equality Body", as the competent authority to deal with and decide upon discrimination and equality matters in Cyprus. In particular, two separate Authorities were created, namely the Cyprus Anti-Discrimination Body and the Equality Authority, which together, comprise the "Cyprus Equality Body".
- The establishment since 5 December 2007 of an Equality Committee of Men and Women within the Police.
- The establishment of the Independent Authority for the Investigation of Complaints and Allegations (concerning the Police), a mechanism for investigating complaints against police misconduct.
- The establishment, SINCE 2004, of the Office for Combating Discrimination at Police Headquarters, Department C' since 2004. The staff of the Office have the responsibility for coordinating, monitoring and advising on all aspects of policing in the area of ethnic and cultural diversity, racism, discrimination, and xenophobia, via contact with the police liaison officers, the investigating officers, or the victims.
- The appointment of ethnic liaison Police officers at every Divisional Police Headquarters to liaise with the local leaders or members of ethnic communities and to focus on issues of race/ethnicity. These liaison officers act in close cooperation with the staff of the above mentioned Office in handling racially motivated offences/incidents.
- The establishment of an internal official system for recording incidents/offences which are racially motivated within the police. The Police Crime Report form provides for the recording of racism/discrimination as a crime motive and furthermore it allows for the subcategorization of the motive on the above mentioned characteristics.

Question 4: How would your Government assess the effectiveness of the existing Durban follow-up mechanism and other relevant United Nations mechanisms dealing with the issue of racism, racial discrimination, xenophobia and related intolerance in order to enhance them.

The development of the NAPAR was a significant opportunity to both build upon and enhance existing policies and strategies to combat racism in Cyprus and to identify new priorities, aspirations and areas of work that could be drawn together into the overall, cohesive plan.

Question 5: What are the steps taken by your Government to ratify and/or implement the International Convention on the Elimination of All Forms of Racial Discrimination and give proper consideration of the recommendations of the Committee on the Elimination of Racial Discrimination.

Cyprus has ratified most European and United Nations Conventions relating to discrimination including the International Convention on the Elimination of All Forms of Racial Discrimination, Protocol 12 to the Convention for the Protection of Human Rights and Fundamental Rights, the

CE Convention on Cyber crime and its additional protocol on criminalization of acts of a racist and xenophobic nature committed through computer systems.

Furthermore, Cyprus has enacted important legislation, for harmonizing with the European Union Council Directives on racial discrimination and discrimination in the field of employment (Nos. 2000/43 and 2000/78).

Another very important Law in the combat against discrimination enacted in the year 2004, is "The Combating of Racism and Other Discrimination (Commissioner) Law of 2004" [No.42(I)/04], which vests the Commissioner for Administration - an independent Officer - with special competences, duties, and powers for combating and eliminating discrimination in both public and private sectors.

Question 6: Please identify and share good practices achieved in the fight against racism, racial discrimination, xenophobia and related intolerance in your country.

Good practices and positive measures have been taken nationally mainly by -

- (a) Funding through the state budget and EU Programmes (e.g. the Community Action Programme to Combat Discrimination and Equal Initiative), NGOs, religion groups (Maronites, Latins and Armenians) and the Turkish Community.
- (b) Contacting a research on sexual orientation carried out by the Cyprus Equality Body.
- (c) Building capacity and tested methods and tools e.g. concerning the position of women in employment, social and political life through the National Machinery for Womens' Rights and Equal Initiative.
- (d) Actively participating in the implementation of the Community Action Programme to Combat Discrimination, the Stop Campaign "For Diversity Against Discrimination", the European Year of Equal Opportunities for All (2007) and the Community Programme for Employment and Social Solidarity (Progress, 2007-2013) through various national awareness raising activities such as campaigns, seminars, press-conferences, releases, educational programmes, festivals, publications, etc. Cyprus has achieved valuable and sustainable results: permanent horizontal networks, structural changes within the educational system and the police, training of teachers and police officers, data-base and other information material, website www.mjpo.gov.cy etc.
- (e) In designing the National Strategy and planning of the activities and priorities of the European Year of Equal Opportunities for All (2007) the civil society was associated, as well as on monitoring of the Year through written procedure and numerous meetings held within the Year 2007 under the co-ordination of the Ministry of Justice and Public Order as the National implementing Body (NIB) of the Year.
- (f) Developing an integration policy covering mainly the fields of education, employment, social inclusion and cultural integration. Some of the measures in force are:
 - the children of all migrant workers and asylum seekers have access to public educational institutions,

- the Adult State Education Centres offer Greek lessons (free of charge) to all recognised refugees whereas, the State Institutes for Further Education offer subsidised afternoon and evening Greek classes to all migrants,
 - asylum seekers have access to free medical care if they do not have sufficient means of support and the right to public allowance under the relevant laws,
 - Reception Centre has been operating for the past three years in Kofinou, which provides emergency accommodation and services to asylum seekers who have no place to stay, until alternative accommodation is identified for them,
 - Asylum Service has decided that families and single women will have absolute priority in being hosted at the Reception Centre, and
 - The District Social Welfare Offices, under special circumstances, give assistance to asylum seekers in finding accommodation, especially in cases of vulnerable groups.
- (g) Furthermore, Cyprus Police in cooperation with associations or the leadership of various Ethnic Communities residing in Cyprus periodically organize open to public social events in an attempt to bring the Ethnic Communities and the Police closer and to build better mutual understanding and respect.
- (g) The Chief of Cyprus Police has through circulars given orders to Police Officers to avoid conducting wide searches for suspects or wanted people on the mere basis of their specific ethnic, racial, or other characteristics, but to rather narrow down and focus their operations by collecting more information on the individual.
- (h) Moreover, members of the Police are ordered to avoid disclosing to the public information on the ethnic, racial, or other background of offenders, with the exception of wanted people.
- (i) Cyprus Police also produced a leaflet containing information on the rights of persons in custody entitled "Notice to persons in Custody". The leaflet which was printed in English, Arabic, Russian, Chinese and Turkish handed to persons placed under detention provides information to detainees as to their rights to inform a relative, access to a lawyer and access to a doctor. The leaflet was distributed to police stations with the aim that police officers hand it to detainees.