

<b>COMBATING RACISM, INTOLERANCE AND XENOPHOBIA</b>
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**Comprehensive Report prepared by the Legal Unit of the  
Ministry of Justice and Public Order of Cyprus**

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### **General Remark**

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.

### **Legislation**

- Cyprus has ratified most European and United Nations Conventions relating to discrimination. These include, for example, 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.
- Following amendments in 1992, 1995 and 1999 of the Law ratifying the International Convention for the Elimination of All Forms of

Racial Discrimination, (Amending Laws 11/92, 6(III)/95 and 28(III)/99) the following are criminal offences –

- To incite to acts which are likely to cause discrimination, hatred, or violence against any person or group of persons on account of their racial or ethnic origin, or their religion. The offence is committed when a person incites as above in public either orally or through the press or by means of any document or picture or any other means. The penalty is that of imprisonment not exceeding 2 years, or a fine not exceeding one thousand pounds, or both.
- To establish or participate in an organization which promotes organized propaganda or activities of any form aiming at racial discrimination. The penalty is the same as above.
- To express ideas insulting against any person or group of persons by reason of their racial or ethnic origin, or their religion. The offence is committed when a person acts as above in public either orally or through the press or by means of any documents or pictures or any other means. The penalty is that of imprisonment not exceeding 1 year, or a fine not exceeding five hundred pounds, or both.
- To refuse to supply goods or services to another by reason of his racial or ethnic origin or religion. The offence is committed by persons who supply goods or services by profession, and the penalty is that of imprisonment not exceeding 1 year, or a fine of four hundred pounds or both.
- Cyprus has enacted important legislation, for harmonizing with the 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 of 2004, No.59(I)/04 prohibits discrimination on any of the above grounds in the public and private sector, concerning 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.

- The Equal Treatment in Employment and Occupation Law of 2004, Law No. 58(1)/2004, also enacted in the year 2004, for harmonization with Council Directive 2000/78/EC, prohibits 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 Labour Court as well access to an Independent Body for investigation of complaints. Criminal liability also exists for infringement of certain provisions of the law. Finally, there are provisions for reporting to the European Commission for the enforcement of the legislation.
- The ground of disability is dealt with separately. In 2004 the Persons with Disabilities Law of 2000, [L.127(I)/2000] was amended in order to comply with Council Directive 2000/78/EC. The Persons with Disabilities (Amendment) Law of 2004, (L.57(1)/2004), prohibits any

kind of discrimination – direct or indirect-against persons with disabilities regarding the terms of access to employment, including the selection criteria and the terms of employment in all levels of professional hierarchy. It also prohibits any kind of discrimination-direct or indirect-as regards promotion, access to all types and all levels of vocational guidance, vocational training and professional practical professional experience, the terms and conditions of employment, redundancies and remuneration.

- 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. 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 or non-pecuniary damage suffered as a result. This has been established by case-law since 2001 (by Judgment of the Supreme Court of Cyprus in the Case of Yiallourou v. Evgenios Nicolaou).The resulting remedy 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 2004.
- Another very important Law in the combat against discrimination, also enacted in the year 2004, ("The Combating of Racism and Other Discrimination (Commissioner) Law of 2004" No.42(I)/04),

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. Under its provisions any person or group may lodge a complaint to the Ombudsman as to having been subjected to discrimination prohibited by any law (such as the Laws referred to above). In addition, the complaint may be one of discrimination, (based on community, race, language, colour, religion, and national or ethnic origin) in the enjoyment of rights and freedoms safeguarded by the Cyprus Constitution, or one or more of the Conventions ratified by Cyprus and referred to explicitly in the Law. As a result, 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 International Convention for the Elimination of All Forms of Racial Discrimination, the Framework Convention for the Protection of National Minorities, the Covenant for Civil and Political Rights, and the Convention Against Torture and Inhuman and Degrading Treatment or Punishment. 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, or may constitute direct or indirect discrimination in the enjoyment of any of the above rights and freedoms. 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. In case of a finding of discrimination, (following an investigation into the complaint) 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 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. Findings and reports made by the Commissioner, when involving discriminatory provisions/terms/criteria/practices found in legislation, must be communicated to the Legal Adviser of the Republic, (the Attorney-General). The Attorney-General's Office through its Human Rights Sector will thus be advising the state under explicit provisions in the Law, on the adoption of appropriate legislative/administrative measures taking also into account its international/Convention obligations, and will be preparing at the same time legislation for abolishing/substituting the relevant legislative provision. 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.

- By the enactment of the Criminal code (Amendment) Law No. 4(I)/2002 full abolition of any discriminatory legal provision as regards homosexual acts was effected in line with the observations of the European Parliament. The same legal treatment was accorded to any person notwithstanding the sexual orientation. By the same law other provisions in the domain of offences against morality were also amended under antidiscriminatory spirit .
- 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 competence to make first instance decisions on asylum applications, and for an independent Review Authority with competence to examine appeals. For example, the Council Directive 2003/9/EC of 27<sup>th</sup> January 2003, lays down the minimum standards for the reception of asylum seekers, was transposed into the National Law in 2005, through an amendment to the Refugee Law.

According to Regulation 10 of the above Legislation, asylum seekers have the right of access to public education under the same preconditions applying for Cypriot citizens. These preconditions apply immediately after the submission of asylum application by the minor.

- The House of Representatives enacted by the end of 2005 the law entitled “Rights of Persons being Arrested and taken into Custody” [L.163(I)/ 2005]. This Law affords additional rights where the person arrested/detained is a foreign national, that is, 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 the Republic, and inform them of his arrest/detention, and his/her place of detention/intended detention. He/She is also afforded the right during detention, to meet in addition to his relatives, representatives of his consular/ diplomatic mission.
- On 24 November 2006 the amendment bill to the Equal Treatment (Ethnic and Racial Origin) Law of 2004 was enacted into law by the House of Representatives (Law No. 147(I)/06 refers). The aim of the bill was to comply with the European Commission’s recommendations as regards proper transposition into national legislation of the Racial Equality Directive (par.1 of article 8 of Directive No.2000/43/EC), treating with the principle of the reversal of the burden of proof.
- On 18 May 2007 the amendment bill to the Equal Treatment in Employment and Occupation Law of 2004 was enacted into law by the House of Representatives (Law No 50(I)/07, refers). This Law also deals with the principle of the reversal of the burden of proof.
- The Independent Authority for the Investigation of Complaints and Allegations (concerning the Police) Law No. 9(I)2006 was enacted by the Parliament on 17.2.06. By this Law a mechanism was created for investigating complaints against police misconduct (including human rights violations). The law sets up an independent agency made up of five persons of “recognized and



moral standing" of whom at least two have legal background and one is a serious former police officer. The former police officer is for obvious reasons prohibited from carrying out investigations or participating in deliberations when the complaint under examination concerns a human rights violation and his/her mandate is limited to cases of other police misconduct such as bribery and corruption.

The participation of senior former police officer deprives the Authority of its impartiality. The Authority can assure any interested party that:

a) From its experience up to now the former police officer member of the Authority and the appointees from the Attorney General's office are as strict and impartial as the other members when examining complaints against the police.

b) Their findings are always subject to the approval of the rest members of the Authority, and if it appears that they are not impartial the rest members of the Authority will overrule their decision.

c) The appointment of the former Police Officer and the appointees from the Attorney General's office is provided by the law establishing the Authority.

Where the impartiality of the authority may be in doubt is the fact that in accordance with the law, the Attorney General has the final word. However this power of the Attorney General to prosecute or not to prosecute is provided by Art. 113 of the Constitution of the Cyprus Republic and in order to deprive the

Attorney General of this authority, the Article of the Constitution must be changed and such change is a complicated procedure.

As a matter of interest the Authority points out that its powers are strictly limited against members of the Police. Immigration, customs and so called borders officials are not members of the police force.

Cyprus is one of the very few countries in Europe maintaining such Authority, which from its appointment in April 2006 until now has done very well and has made the people living in Cyprus feel that there is a body which can protect them from any police illegality.

- The Law No. 18(I)/2008 under title "The Equal Treatment of Men and Women (Access to Goods and Services) Law of 2008" transposes into national legislation the provisions of the relevant Council Directive (No. 2004/113/EC).
- The Ministry of Justice and Public Order, in collaboration with the Law Office of the Republic, is currently considering the introduction of provisions in our domestic legislation enabling the racist motives of the offender to be taken into account as an aggravating factor in sentencing.
- In cases where access to the education system is not possible due to special circumstances, the competent authorities of the Ministry of Education arrange, where possible, the application of other educational arrangements.
- In addition to the enactment of primary anti-discrimination legislation as above, there were case-law developments in the field of non-discrimination. 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.

### **Cyprus Equality Body**

- As a result of the enactment by the House of Representatives of the Commissioner for Administration (Ombudsman) Law of 2004 [No.42(I)/04] the Commissioner for Administration (Ombudsman) was appointed in compliance with article 13 of the Racial Directive (No 2000/43/EC), as the competent body (an independent authority) to deal with and decide upon discrimination matters in Cyprus. As a result, two separate Authorities were created, namely the Cyprus Anti-discrimination Body and the Equality Authority, which, together, comprise the “Cyprus Equality Body”.

- The Cyprus Anti-discrimination Body, in addition to the above mentioned law, also acts on the provisions of the Equal Treatment regardless of Race or Ethnic Origin Law (Law 59(I)/2004). It handles claims regarding discrimination in relation to access and supply of goods and services, social security and social protection schemes, education and healthcare. The Equality Authority acts, in addition to Law 42(I)/2004, according to the provisions of the Equal Treatment of Women and Men in Occupation and Vocational training Law (law 205(I)/2002) and the Equal Treatment in Occupation and Employment Law 58(I)/2004). It handles claims regarding discrimination in the workplace, such as conditions for access to employment, self-employment and occupation, employment and working conditions (including dismissal and pay) and membership or/and involvement in an organization of workers and employers.
- As mentioned above (under heading “legislation”) Law 42(I)/2004, provides for additional powers, in an attempt to assist the Ombudsman in her newly acquired duties and responsibilities as the Equality Body. When certain criteria, as specified within the Law, are met, the Ombudsman is granted to power to issue Orders or impose fines against the guilty party. Furthermore, she can advise on what measures must be implemented, in order for the discriminatory behaviour/practice to cease, and set a certain time frame by which this should be achieved. The Ombudsman’s Decisions, when acting as the Equality Body, are binding.
- However, the Ombudsman does not have the power to refer the guilty party to Court, where the latter does not abide by her decisions. Nor does she have the authority to decide on and reward compensation for damages. Where such a case arises, the Ombudsman simply advises the victim to take the matter to Court.

- According to data kept at the Office of the Equality Body (Ombudsman), it is their belief that the activities organized in Cyprus within the framework of the European Year (2007), raised awareness on issues of discrimination and contributed to the increase in the number of complaints both to the Cyprus Anti-Discrimination Body and the Equality Authority.

### **Existing National Action Plans**

#### **National Action Plans and other schemes**

- Following the United Nation's World Conference Against Racism (WCAR), held in Durban of South Africa, 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 NGO's) prepared, in 2002, a National Report on the implementation of the conclusions of the European and World Conferences against Racism. 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 2002-2003 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.

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.

- 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.

For more information on the workshop in Greek, click here

(Link:<http://www.stop-discrimination.info/?RDCT=23fd790e05fc6d9a9031>)

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. This aim:

- To strengthen infrastructures aiming to facilitate social inclusion and professional rehabilitation of adults with visual disabilities.
  - 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
  - To provide incentives for the employment of persons with disability of any kind and degree by subsidizing employers and subsidize the social insurance contributions.
- Finally, a National Action Plan on Gender Equality for the years 2007 - 2013 has recently 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:

(1) 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 Women's' Rights and the relevant authorities.

### **Awareness raising seminars/campaign/activities and other measures**

- In February and March 2003, two awareness raising Seminars were organized in Cyprus on the two Directives of the EU Council namely the Race Equality and Employment Directives Nos 2000/43 and 2000/78. The one was organized by the House of Representatives and the other by an NGO namely "Movement for Equality, Support and Anti-Racism".
- In June 2003, another similar Seminar was organized by the Ministry of Justice and Public Order, within the framework of the Community Action Programme Against Discrimination and with the financial support of the European Commission. This Seminar focused mainly on the E.U. legislation and policies to combat discrimination as well as on the implementation of the two Directives. Towards this, three experts from the Commission and E.U. countries were invited and shared their expertise and knowledge in this field. Also during the sessions of the Seminar two editions on Racism were distributed widely to participants, to the public, to pupils of elementary and high schools and to all key actors involved as well as to International and European Organizations on human rights (English and Greek version).
- In March 2004, the Cyprus Labour Institute (INEK-PEO) of Cyprus in collaboration with the Ministries of Justice and Public Order and



Labour and Social Insurance organized another similar awareness Seminar focused on the implementation of the new anti discrimination legislation transposing the two Directives on domestic level and also on the functions and responsibilities of the new independent body established in line with the provisions of Art. 13 of the Race Equality Directive.

- Participants to the aforementioned Seminars were all stakeholders from all governmental and non-governmental organizations involved in the issue, members of the Parliament and the Judiciary, representatives from independent bodies on Human Rights, social partners, employees and employers associations.
- Within the framework of the Community Action Program, the Cyprus Police organized a "Multicultural Policing Seminar" at the Cyprus Police Academy between 10-14 May 2004, co - financed by the European Commission. A total number of 52 Members of the Cyprus Police, ranked police constables, sergeants and inspectors, participated in the Seminar, representing the Police Headquarters and most Police Divisions, Services, Departments and Units.

The focus of this particular seminar was on education and vocational training of Police Members on multicultural issues, mainly in order to prevent and combat incidents of xenophobia, prejudice and discrimination based on sex, religion, ethnic and cultural origin at the workplace. In particular, emphasis was given on the duty of Police Members to approach and deal with any kind of culture, customs, habits, mentality and cultural diversity, in a positive and constructive manner. In addition, the Multicultural Policing Seminar intended to familiarize Police Members with the values and principles of the different cultures of the ethnic

minorities, resident in Cyprus, in order to enhance equal treatment of suspects in the process of arrest, interrogation and detention.

The theme framework of the Multicultural Policing Seminar incorporated plethora contemporary discrimination-related issues, among which a Presentation of the Equal Treatment Policy of E.U. (E.U. (Council Directives 2000/78, 2000/43 and 76/207/EEC), E.U. Policy on Asylum and Migration, Racism and Stereotypes, NGOs and the Police against Discrimination, etc, all of which were presented by distinguished lecturers from Cyprus and abroad.

Dissemination of Information Material on Human Rights Issues:

During the last years, the Police Human Rights Office, translated in Greek and published more than 5,000 leaflets and texts including the Declaration 690 (1979) of the General Assembly of the Council of Europe and C.P.T. (The Committee for the Prevention of Torture), which were distributed to all police officers and to the public.

In addition, other issues of the Council of Europe, which are in accordance with the European Union standards regarding Human Rights, have been translated, published and distributed to all Police members. These include, among others, the following:

- i. "Discussion Tools – Police and Human Rights Training Manual",
- ii. "A Pamphlet for the Police Human Rights and their Protection under International Law",
- iii. "Policing in a Democratic Society – Is your Police Service a Human Rights Champion?"

- Also, a new policy introduced and implemented by the Police, is the production at 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.
- The Cyprus Police has also participated to the Transnational Project "Multicultural Education for Police Services in Europe: an exchange of learned lessons, good practice and tools", organized by the UNESCO Center of Catalonia and approved by the European Commission, in the framework of the "Community Action Programme to Combat Discrimination, 2001 – 2006", with a view to the promotion of non-discrimination on grounds of ethnic origin, religion and belief within and by the Police. Our contribution to the above Project has initiated the adoption of a series of measures. As a result specific guidelines have been given for the integration of the "Guide for Religions Non-Discrimination for Police Forces" prepared by the Catalan delegation to the Transfer Project as well as the Italian Project "The Police Service for Multicultural Society-A Handbook for the Italian State Police" to the training programmes of the Cyprus Police Academy.
- The Ministry of Justice and Public Order, as the responsible authority for monitoring the implementation of the Community Action Programme Against Discrimination (2001-2006), coordinated the submission of the followings awareness raising proposals on seminars and other activities held in Cyprus in the years 2005, 2006 and 2007:

- (a) The proposal of the Ombudsman's Office for organizing in 2005 a Seminar focusing mainly on her office's new competences, remedies, functions and practical implementation of the provisions of the new law on the independent Anti-discrimination Body, and
- (b) The proposal of the Cyprus Rehabilitation Counseling Association (NGO) for organizing in 2005 a seminar focusing on the rights and obligations of the employees and employers, respectively, as derive from the acquis communautaire of the Union in the field of anti-discrimination.
- (c) The proposal of an NGO dealing with equality issues, for organizing during 2005-2006 Seminars and other activities focusing on awareness rising of pupils and teachers of secondary schools on anti-discrimination issues including existing national legislation.
- (d) The proposal of the Ombudsman's Office acting as the Independent Anti-discrimination Body for organizing various activities/ functions, (during 2006-2007) aiming at raising awareness on issues of discrimination and on the rights and obligations that stem from recently passed antidiscrimination legislation.

The proposal was approved by the Evaluation Committee of the European Commission and a grand agreement was signed by the Ombudsman.

- (e) The proposal of the Youth Board of Cyprus and its Project Partners (Neolea Asteras and CRCA) to:

(i) promote the “European Year of Equal of Opportunities for All (2007) – Towards a Just Society”, by organizing the lunching event at the beginning of Feb. 2007. During this event Organizations that work on the field of combating discrimination and promoting diversity had the opportunity to present their work and disseminate information (there will be booths available) on their work in all day long festival. Throughout the day, food (finger food) and drinks (non alcoholic) was available for visitors, journalists and reporters. A press conference took place in the afternoon and right before bi-communal (consisting of Greek Cypriots and Turkish Cypriot), and ethnic (non Cypriot) groups sung and danced. The event was completed with a concert of four at least youth bands, and

(ii) raise awareness on discrimination related issues among youth population of Cyprus, by performing a series of activities providing the opportunity and space for young people to express their views and widen their perspectives on the issue of discrimination. Simultaneously, through interaction and exchange empowered young people through interaction and exchange, to think positively about diversity, respect it and celebrate it.

The proposal was approved by the Evaluation Committee of the European Commission and a grand agreement was signed by the Youth Board of Cyprus.

- An Information Campaign “For Diversity against Discrimination” was launched, by the Minister of Justice and Public Order on 18<sup>th</sup> September 2004. The campaign will continue until the end of 2009.

- Within the framework of the above Campaign a National Team Against Discrimination was established which organized during the period 2006-2008, the following events/activities:
  - The Journalist Award is continuing in 2008 its six year. Special prizes are granted to journalists and emphasis was given to young journalists in an effort to encourage media professionals starting out on their career to write about discrimination and diversity issues.
  - During 2006, a Poster Competition run for the first time and art and design students started to make their creative poster designs.
  - The National Team Against Discrimination took part in cooperation with the PANCYPRIAN VOLUNTEERISM COORDINATIVE COUNCIL in the National Exhibition of Cyprus from the 26<sup>th</sup> of May until the 6<sup>th</sup> of June.
  - As a follow-up to the very successful “Media and Diversity” seminar held in Cyprus in October of 2005 which more that 70 journalists attended, the campaign organized two smaller journalist workshops on 8 and 9 June 2006 in cooperation with the Cypriot Union of Journalists as a result of the request of the previous participants. The workshops brought together a total of 33 journalists to discuss the media's role in promoting diversity, their recommendations and obligations.

During the workshops, participants developed a code of practice for journalists that was published and distributed to journalists across Cyprus. The code of conduct, which is available on the [www.stop-discrimination.info](http://www.stop-discrimination.info)(Link:<http://www.stop-discrimination->

[info/?RDCT=acde0da4726e71592ela](http://info/?RDCT=acde0da4726e71592ela)) website and provides media professionals with guidelines on how to, on the one hand, ensure the use of non-discriminatory language in their texts, and on the other hand, how the media can help to further develop a broad public awareness about how diversity enriches our everyday life.

- NGO, Kisa – Action for Equality, Support, Antiracism in cooperation with the Association of Recognized Refugees in Cyprus and the Asylum Seeker's communities organized the following events/activities in the context of the International Refugee Day on the 20<sup>th</sup> of June 2006 –
  - Information Stands on Asylum and International Refugee Day, between 11.00 p.m. – 1.00 p.m. at Eleftheria Square, in Nicosia.
  - Celebration of the International Refugee Day at 8.00 p.m. at "Melina Mercouri Hall" in Famagusta Gate in Nicosia. The Celebration included speeches, a musical performance with Demetris Makris and a performance of Modern Theatre.
- An E.U. Conference was held in Cyprus (29-30 Sept.2006) in which around 140 participants from all 25 EU countries discussed and exchanged experience on good practices on the "Benefits of Diversity and Inclusion for Small and Medium-Sized Enterprises". Participants were representatives from over 140 enterprises and business associations working with the SME community. It offered a unique platform for exchanging in diversity management and implementation anti-discrimination policies in small and medium-sized business. Speakers from a business or academic background explained the challenges and benefits of diversity for smaller companies using practical examples and case studies. The event

was financed by the European Commission and organized by Media Consult International Holding AG in collaboration with the Ministry of Justice and Public Order of Cyprus which also co-financed the Conference. It opened by the Cypriot Minister of Labour and Social Insurance HE Antonis Vasiliou and Lenia Samuel, Deputy Director General, Employment, Social Affairs and Equal Opportunities, European Commission. On 29 September the Minister of Justice and Public Order Mr. Sofoklis Sofokleous hosted a "Gala Dinner" entertainment programme with music and folk dances. On this occasion the EU diversity truck visited Cyprus and stopped in two big cities (Limassol and Paphos) where various activities and celebrations took place performed, with the assistance of the local authorities and the National Group of the Anti-discrimination Campaign, set up in Cyprus.

- The Ministry of Justice and Public Order has been designated by the Council of Ministers as the National Implementing Body for the European Year 2007. Three meetings were held at the Ministry of Justice and Public Order to which 42 organizations were invited NGOs and other stakeholders dealing with the issues of non-discrimination. During these meetings a national strategy and an action plan were drawn up and 12 activities were pre-selected, covering almost all grounds of discrimination (equality of men and women, ethnic origin, disability, sexual orientation, age employment with emphasis to the rights and responsibilities of employers and employees, religion etc). All activities were performed by NGOs and/or associations that expressed their willingness to collaborate with the NIB to promote and implement the European Year 2007. The total estimated cost of activities was maximum €240.000. The activities were financed by EU funds (50%), and by Government budget (50%).



It is worth mentioning that within the framework of the European Year (2007) the MJPO edited four publications dealing with the issues of non-discrimination namely:

- National Strategy and Priorities for the European Year 2007 – Equal Opportunities for All – Cyprus (Greek and English version).
  - National Activities of the European Year of Equal Opportunities for All (2007) – Let's make Equality a Reality (Greek and English version).
  - Report of the Republic of Cyprus Against Discrimination in the fields of the EU Acquis – Policy and measures against discrimination (Revised Edition 2007 – Greek and English
  - Brief Prescription and evaluation of the 12 Network Projects of the European Year (2007) Co financed by the European Commission.
- 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 Ministry of Justice and Public Order, the Law Office of the Republic, the Supreme Court and the Cypriot Lawyer's Association organized a Seminar on the implementation of the EU acquis on non-discrimination.
  - The Ministry of Justice and Public Order has been nominated as the "national anti-discrimination contact point" for the effective implementation of the principle on non-discrimination within the framework of the programme for Employment and Social Solidarity of the Community Programme for Employment and Social

Solidarity (Progress 2008 - 2013). On 23 November, 2007 the European Commission approved for Cyprus, within the procedure of the Call for Proposals VP/2007/006, two proposals proposed projects as follows:

- (a) The project proposed by the Cyprus Labour Institute and supported by the Ministry of Justice and Public Order under title "Awareness raising activities in Cyprus against discrimination on the grounds of race, ethnicity and age". This project presented a selection of awareness raising activities of issues related to discrimination. The activities aimed firstly at addressing and reflecting the European dimension of antidiscrimination by holding an international conference in Cyprus. The Conference took place on the 28<sup>th</sup> of January 2008 where among other participants was one legal officer from the Ministry of Justice and Public Order. Also present was the Ombudsman Ms Eliana Nicolaou who addressed the Conference together with two high rank officers from her Office.

Secondly, a national conference promoted the debate on discrimination among various stakeholders involved in making and implementing antidiscrimination laws, while a wide range of seminars should raise awareness on various forms of discrimination and help NGOs and victims of discrimination develop the capacity to combat it.

Finally a "Stop Discrimination" campaign concentrated on raising and addressing discrimination issues with the general public. Reference material on antidiscrimination was produced for the public and also various printed guides on antidiscrimination, websites and a CD-ROM.

- (b) The project proposed by the Social Welfare Services and supported by the Ministry of Justice and Public Order under the title "Diagonal national awareness raising activities in the field of anti-discrimination diversity and equality". This project included several activities and events that took place aiming to raise awareness and support efforts to combat discrimination of any grounds. Target groups were the general public, stakeholders and victims of discrimination and social exclusion.

Emphasis was given on raising awareness of EU policies and goals concerning discrimination and the efforts undertaken nationally to combat discrimination and social exclusion.

Through working methods a clear understanding was provided to a wide range of groups about the many dimensions of discrimination and social exclusion and the consequent need for joined-up policy responses as well as good governance openness and participation by stakeholders. It brought these issues to the fore making them real in the eyes of those who are responsible for combating and preventing discrimination and social exclusion.

- Also, the Ministry of Justice and Public Order, as the National Implementing Body of the previous Year 2007 of Equal Opportunities for All and following the legacy of the Year, drafted the National Framework document on priorities and challenges for the Year 2008. On its capacity, as the PROGRESS anti-discrimination contact point supported two Projects for funding by the European Commission. One Project led by the Ministry of Education and Culture which includes awareness raising activities

addressed to pupils, educators, parents and community associations and another led by the European Institute of Cyprus which deals with complimentary awareness raising activities tailored to specific target groups and a wider audience including businesses, NGOs/civil society, workers/employees, third country nationals (with emphasis to migrant women) and also people at risk of being discriminated against. The afore-mentioned Projects were approved by the European Commission and Grant Agreements were recently signed with the Ministry of Education and Culture and the European Institute of Cyprus.

The general aim of the two Projects will be to promote the debate on discrimination and diversity in Cyprus and to foster the dissemination of information on EU and national policy and legislation in the antidiscrimination field.

- The Ministry of Justice and Public Order also supported the promotion and implementation of the 2008 European Year of Intercultural Dialogue and actively participated in many activities organized by the Ministry of Education and Culture. Within the framework of this Year, the Ministry of Justice and Public Order disseminated the 4 publications that were edited and co-financed within the framework of the European Year of Equal Opportunities for All (2007).

### **Good practices**

- 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'. 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 sub-categorization of the motive on the above mentioned characteristics.
- 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.

- 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.
- 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.
- 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.
- 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.
- 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](http://www.mjpo.gov.cy) etc.

- 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.
- 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, irrespective whether their parents have residence permits or not.
  - 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,
  - the Cyprus Family Planning Association (CFPA) provides gynaecological examinations at very low prices, as well as

education and information to women regarding issues of family planning and protection from sexually transmitted diseases. A large number of migrant women visit both the clinic and the offices of CFPA and benefit from the services provided. Additionally, CFPA provides information and education to migrant women working in the sex industry in their own language.

- 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.
- The Ministry of Labour and Social Insurance implemented an internal procedure regarding sexual harassment complaints. In particular, the Council of Ministers approved on 29/10/2008, the proposal submitted by the Minister of Interior reviewing the policy for the entry, residence and employment of third country nationals in the Republic as artists. The new policy has been implemented since 1st of November 2008.

The new policy consists of the following:

- (a) Abolition of special visas for artists. All third country nationals entering the Republic to be employed as artists will be issued employment permits as creative artists (writers, composers, painters etc) or as performing artists (actors, dancers, singers, etc).
- (b) Procedures for the issue of temporary residence and employment permits: The applications for employment of third country nationals as artists will be submitted to the



Department of Labour by the employer and will be examined by a committee consisting of representatives from the Department of Labour, the Department of Civil Registry and Migration Department, the Cyprus Tourism Organization and the Aliens and Immigration Unit of the Police. The committee will examine the applications according to specific criteria concerning the qualifications of the artists, their previous experience, their reputation abroad etc. Also there will be criteria for determining the number of artist that can be employed in each establishment. The aim is to ensure that only genuine artists will enter the Republic. After the approval of the application, the employer will have to apply to the Civil Registry and Migration Department for the issue of the temporary residence and employment permit, considering that all the conditions set in the Aliens and Immigration Law are fulfilled. The procedures are similar to those that are in effect for all alien workers. Breach of contracts of employment will be investigated by the Department of Labour Relations. The Police will intensify raids in various establishments that employ artists.

- (c) Revision of the contract of employment.
- (d) Revision of the legislation regulating Private Employment Agencies.
- The Minister of Labour and Social Insurance, using her authority granted to her by the Art. 12(2) of the Refugee Regulations (Reception Conditions of Asylum Seekers) of 2005 and after consulting the Minister of the Interior, decided that the right of employment of asylum seekers, six months after the submission of the application for asylum, is expanded in the following sectors of

the economy, granted that they have contract of employment at a specific employer, sealed by the Labour Department:

- Farming - Agriculture - Fishery: Workers at the sectors of agriculture, farming (animal husbandry) and fishery
  - Manufacturing: Animal food production
  - Waste management: Workers at the sectors of sewage system and waste processing, of collection and processing of waste (garbage), at the sectors of recycling and processing of animal waste and abattoir by-products.
  - Trade and Repairs: Workers at gas stations and car-wash, porters of wholesale trade
  - Other activities: Cleaning of buildings and outside areas, distributors of advertising or informative material, food delivery.
- The District Social Welfare Offices, under special circumstances, give assistance to asylum seekers in finding accommodation, especially in cases of vulnerable groups.
  - The 12 Projects of the European Year (2007) covered almost all grounds of discrimination (equality of men and women, ethnic origin, disability, sexual orientation, age employment with emphasis to the rights and responsibilities of employers and employees, religion etc). and included anti-discrimination and anti-racist events (such as the launching and closing events of the European Year 2007 and the Rainbow Festival, a multicultural antiracist event organized in 2007 for the 10<sup>th</sup> year), awareness-raising and sensitization campaigns about discrimination on grounds such as race, disability, gender and sexual orientation), documentaries, publications and a children's summer camp.

- A comprehensive program for the integration of immigrant students in schools was adopted by the Council of Ministers (Decision Reference Number [67.598], Dated July 30<sup>th</sup>, 2008). The main features of the program are: special classes for the rapid learning of Greek, the preparation of material with information about Cyprus and the educational system in eight (8) foreign languages for the students and their families, the training of language teachers in the teaching of Greek as a foreign and/ or as a second language and the monitoring of the needs and the progress of the students. Also, teachers members of KISA (an NGO dealing with anti-racism issues) gives lessons of Greek language (free of charge) to migrant children that face difficulties at school so as to give them the opportunity to be able to follow classes on more equal terms with their classmates.
- Furthermore, in its effort to address the problem of high migrant student enrollment in specific schools and in order to promote tolerance and dialogue as well as to eliminate stereotypes through education, the Ministry of Education and Culture has set in place the program for Zone of Educational Priority (ZEP). The policy for the Zones of Educational Priority derived from the strategy of positive discrimination (UNESCO), which is based on the unequal treatment of inequalities. Each ZEP consists of one Gymnasium (lower secondary school), the main primary schools, in degraded areas with a pupil population coming from families of a low socioeconomic and educational level. The criteria for defining an area as ZEP is a high share of migrant or foreign language speaking pupils, a high number of drop-outs and high incidence of violent and anti-social behavior (young delinquency). In September 2008 a new ZEP was established in the Larnaca area, in addition to the three that were previously established in Lefkosa and Pafos.

- The running school year (2008-2009) has been declared as the “Educational Reform Year” and will focus on promoting a culture of peaceful cohabitation, mutual respect and cooperation between Greek and Turkish Cypriots. The Ministry of Education and Culture has appointed a committee of representatives of the Ministry (senior educational officers), teacher unions and parent associations to make suggestions and prepare material for the implementation of this policy by the school units. In a statement to the press, the Minister of Education and Culture Andreas Demetriou referred to the “target of developing a spirit of reconciliation within the schools with the Turkish Cypriots, so that this reconciliation occurs within the consciousness of all citizens of Cyprus regardless of the community”. This will involve revision of the text books on the history of Cyprus in the last 50 years, something that will be implemented within the next few years. The Minister stated that it was “very important that we have an informed youth that understands that different communities live in Cyprus”.
- The modernization, restructuring and upgrading of the national curriculum from pre-primary education to upper secondary general technical and vocational education, with the aim of better addressing the needs of the students for the 21<sup>st</sup> century, is one of the major issues of the Educational Reform Program. For the development of the new curriculum, the Government has set up a Committee of Experts which is currently preparing its recommendations for the redesigning of curricula at all levels and areas of the Educational System.
- Political antidiscrimination commitments and/or messages made and/or sent by politicians (e.g. the Minister of Justice and Public Order, the Minister of Interior and the Minister of Finance), and by independent Officials (e.g. the Commissioner for

Administration/Ombudsman and the Law Commissioner) during various public events and publications.

- Increasing of the net salary of the migrant domestic workers.
- Upgrading the radio and television programmes of the Cyprus Broadcasting Corporation which are addressed to the Turkish Cypriot community.
- Closer co-operation, comprehensive websites and web-links among all the members of Governmental and non-governmental organizations and bodies and also link to the Commission Year's webpage <http://equality.2007.europa.eu>, as well as direct link to the Anti-discrimination unit [http://ec.europa.eu/employment\\_social/fundamental-rights/index-de.htm](http://ec.europa.eu/employment_social/fundamental-rights/index-de.htm) and the Fundamental Rights Agency (FRA) <http://fra.europa.eu>. As the Ministry of Justice and Public Order is also dealing with Gender Equality, the website was upgraded and includes direct link to the webpage: [http://ec.europa.eu/employment\\_social/gender\\_de.html](http://ec.europa.eu/employment_social/gender_de.html)
- Under the project "Activities aiming to raise awareness on issues of discrimination and on the rights and obligations stemming from recently enacted antidiscrimination legislation", implemented during 20/11/2006 – 20/10/2007, the Equality Body organized awareness-raising activities that included public opinion surveys and publications on issues of discrimination. In particular, four surveys were conducted on the following: (a) Attitudes and beliefs of Greek Cypriots towards people of Pontian ethnic origin and the attitudes and beliefs of people of Pontian origin towards Greek Cypriots, (b) Attitudes and beliefs of Christian Orthodox Cypriots towards people of different religion who reside in Cyprus, (c) Attitudes and beliefs of Cypriots towards people with disabilities

and (d) Sexual harassment at the workplace. The results of three of the surveys were presented at two conferences and one press conference. The leaflets published under the project were: (a) A "Code of Good Practices" concerning combating of sexual harassment at the workplace, (b) two "Learn your rights" information leaflets concerning people with disabilities and women in employment, and (c) a general information leaflet in Greek, English and Turkish, providing information on anti-discrimination legislation and the functions of the Equality body.

- On June 18<sup>th</sup>, 2008 the Office of the Commissioner for Administration (Ombudsman), presented, in a conference room, the results of a public opinion Survey it conducted regarding the "Attitudes and Beliefs of Greek-Orthodox Cypriots Towards People with Different Religious Affiliations who Live in Cyprus". Following the presentation, the Dean of the University of Cyprus made a speech on the results of the Survey and the phenomenon of religious discrimination in general.
- Further to the above, since the beginning of year 2008, Officers of the Ombudsman's Office gave speeches/presentations to various seminars/conferences, regarding the competences assumed by the Office - in compliance with article 13 of the Directive 2000/43/EC - as the competent independent authority to deal with discrimination matters in Cyprus.
- On 13 December 2007, the Minister of Labour and Social Insurance of Cyprus announced the launching of the activities concerning the Programme "Dialogues". The activities involved: distribution of leaflets on the world day of combating discrimination (21/03/08), conference on the transposition of Directives 2000/43/EC and 2000/78/EC (27/03/08) in Nicosia; seminar on diversity,

discrimination and equality issues (26/03/08) in Limassol; seminar on diversity, discrimination and equality issues on the grounds of race and ethnic origin (28/05/08) in Larnaca; distribution of leaflets during the Cyprus National Exhibition (23 - 31/05/08); seminar on diversity, discrimination and equality issues on the grounds of age or sexual orientation (01/07/08) in the village of Galata; seminar on diversity, discrimination and equality issues on the grounds of religion (24/09/08) in Nicosia; seminar on diversity, discrimination and equality issues on the grounds of disability (30/09/08) in Paphos; a competition of children's book on discrimination has been completed in October 2008 and was disseminated at the end of 2008; finally in cooperation with the Police (Neighborhood Police Officers) and the Citizens Services Bureaus there has been distribution of the information material.

- On 11 July 2008, a one-day seminar was held dealing with the Equality policy between men and women and its implementation in Cyprus. The seminar was held under the auspices of the Minister of Justice and Public Order in his capacity as the President of the National Machinery of Women's' Rights.
- Cypriot Gypsies are considered as citizens of the Republic, members of the Turkish Community, as they fall within the definition of Article 2.2. of the Constitution which reads: "the Turkish community comprises all citizens of the Republic who are of Turkish origin and whose mother tongue is Turkish or who share the Turkish cultural traditions or who are Moslems".

They are entitled of welfare benefits as Cypriot citizens: basic housing, health care, schooling for the children and a monthly allowance to care for their basic needs until employed.

- Although precise figures are not available, it is estimated that 620 - 650 Cypriot Gypsies reside in the area under the effective control of the Republic of Cyprus: 83 Gypsy families (360 persons) reside in the Limassol District and 73 Gypsy families (250 persons) reside in the Pafos District.

In the Limassol District the vast majority of Cypriot Gypsies reside in Turkish Cypriot houses.

In the Pafos District the vast majority of Cypriot Gypsies reside in Makounta, Starvokonnou and Chrysochou villages.

- In 2005, 2006 and 2007 the repairs/improvements for 20 Turkish-Cypriot houses inhabited by Cypriot Gypsies in the Limassol District cost CYP80.000 (€136.688), CYP71.000 (€121.310) and CYP65.342 (€111.643) respectively.
- The Government of Cyprus has also created two housing projects, one in Limassol and the other in Pafos, consisting from 16 and 24 prefabricated housing units respectively for the Cypriot Gypsies. The aforementioned housing units are equipped with all basic amenities such as water (drinking water incl.) and electricity supply, telephone line installation, sewage etc.

The cost for the 16 prefabricated housing units in Limassol amounted to CYP 320.675 (€547.905). In 2006, the repairs as well as the creation of children's playground amounted to CYP 17.00 (€29.046). In 2007, the Government paid CYP20.000 (€34.172) for the installation of solar water heaters.



In 2003, the cost for the housing project in Pafos together with the repairs for 3 Turkish-Cypriot houses inhabited by Cypriot Gypsies amounted to CYP270.000 (€461.322).

- Furthermore, in 2004 the Government of Cyprus paid CYP80.000 (€136.688) for the repairs/improvements for 10 Turkish-Cypriot houses where Cypriot Gypsies reside. In 2006 and 2007 the Government of Cyprus paid for the same purpose CYP 10.000 (€17.086) and 2.924 (€4.995) respectively.
- The Ministry of Interior subsidizes their school meals, school uniforms, school books and stationary in order to encourage school attendance by Roma/Gypsy children.
- According to the current policy of the Ministry of Interior, domestic workers are not allowed to change employers during the first year of employment except in exceptional cases such as death of the employer, immigration of the employer, transfer of the employer to a home for elderly people or in case the employer has committed a penal offence against the domestic worker. Moreover the domestic worker has the right to change employer in case where there is a dispute among the two parties resolved in favor of the domestic worker. The Ministry of Interior in co-operation with the Ministry of Labour and Social Insurances are in the process of revising the current policy concerning the employment of domestic workers.
- As from Cyprus accession to EU, EEC Regulations 1408/71, 574/72 and 859/03 are enforced and benefits in kind are provided to facilitate mobility of patients and cross-border workers.

- KISA was a partner in the project “Social Rights for Asylum Seekers, Social Rights for All”, implemented under the EQUAL Initiative and funded by the European Social Fund and the Republic of Cyprus. The aim of this pilot project was to contribute to the implementation of the social rights of asylum seekers and refugees. The target group (50 asylum seekers) received language and orientation to Cyprus training, vocational training in three occupations (assistant cooks, assistant secretaries and assistant cooling engineers) and were placed in selected enterprises relevant to the training they had received. Although most of the project’s activities were concluded in July 2007, many of the participants were still employed at the end of the year.
- Under EU regulations, health care is provided in Cyprus for people from other EU Member States. Health Care is provided on the same basis as provided to Cypriot nationals and is available at any of the Government Medical Institutions in Cyprus.
- To obtain health care in Cyprus, European and EEA citizens must initially be in possession of an appropriate E-Form or a European Health Insurance Card (EHIC) from their own Member State.
- EU “non active” nationals, residing in Cyprus, are not covered by EEC regulations and thus they are not entitled to “free of charge” or “at reduced – fees” care. They have to pay fees in case of use of the public Health Services.
- Third country nationals whose situation is confined in all respects within a single Member State and EEC Regulation 859/03 is not applicable, are also not entitled to “free of charge” or “at reduced - fees” care. They have to pay fees in case of use of the public Health Services.

- EU nationals, working and residing permanently in Cyprus, are treated on an equal basis as Cypriot nationals, i.e. their right to free health care is evaluated on the basis of the income criteria specified in the Government Medical Institutions and Services General Regulations of 2000 up to 2007.
- According to the law governing the Right of Union Citizens and their Family Members to Move and Reside Freely within the Territory of the Republic of Cyprus, EU nationals holders of Permanent Registration Certificate (MEU 3A) are also treated on an equal basis as Cyprus nationals, i.e. their right to free health care is evaluated on the basis of the income criteria specified in the Government Medical Institutions and Services General Regulations of 2000 up to 2007.
- Health Care provided at Accident and Emergency Departments of State Hospitals is offered free of charge to everybody seeking medical care, irrespective of citizenship and income criteria. However, if they need hospitalization, subsequent care fees have to be paid.
- STIGMA, a Russian Church affiliated NGO runs a shelter for victims of trafficking in Limassol. The shelter provides also for psychiatric support. Victims of trafficking are referred to the shelter by both governmental authorities (such as the Welfare Office and the police) and non-governmental organizations. Psychologists are employed at the shelter, offering their services free of charge to the victims of trafficking.
- KISA operates two Refugee and Migrant Centres (one in Nicosia and one in Limassol), which offer information and support and

counseling services to migrants and refugees free of charge. Victims of trafficking also apply for information and social support.

- In 2007, KISA, CFPA (Cyprus Family Planning Association) and the Association for the Prevention and Handling of Violence in the Family conducted a Public Awareness Raising Campaign to Combat Trafficking in Women for Sexual Exploitation, with the production and circulation of leaflets, billboards and TV and radio.

### **Collection of data and conducting of independent surveys**

- As mentioned in page 29 above, an internal official system for recording incidents/offences which are racially motivated, is established within the Police. According to Police Standing Order 3/38, any offence shall be defined and registered as racially motivated if it is reported or perceived as such by:
  1. the victim, or
  2. a person acting on behalf of the victim, or
  3. a person who was present and witnessed the incident, or
  4. a member of the Police, or
  5. the Ombudsman

For Police purposes, the terms "discrimination", "racism" and "xenophobia" include, among others, any act of omission in relation to any of the following:

1. Race
2. Community
3. Language
4. Colour
5. Religion

6. political or other beliefs
7. Ethnic origin
8. Special needs
9. Age
10. Sexual orientation, and
11. Gender

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.

- Funding inadequacies shortages in staff and a heavy workload of constant claims to be examined by the Ombudsman's Office render it practically impossible to conduct independent surveys at present. These shortcomings are a consequence of Cyprus' efforts to join the Economic and Monetary Union, which, unavoidably, places the government under economic temperance and, therefore, limits the funding possibilities that would otherwise be open to the Cyprus Anti-Discrimination Body. As a solution, the Ombudsman, whenever funding (usually from the European Commission) allows it, assigns the collection of data and the conducting of independent surveys to an already established Research Centre. An example would be of a recent survey into the public's attitudes on the issue of homosexuality, which was assigned to and carried out by Intercollege. The results of the survey were later presented to the public as part of a seminar hosted by the Ombudsman's Office.

### Treatment by the Cyprus Police

Cyprus Police respect Human Rights and the Law, and their leadership in no way hesitates to order disciplinary actions and/or to suggest criminal prosecutions against members of the Police who violate the Law and/or Human Rights. Cases of Police Officers who whether faced or are facing criminal charges in District or Assize Court for human rights violations are well known and widely publicized. Also known are cases where following such convictions, the Police dismissed the involved officers from service.

### **LEGAL UNIT OF THE MINISTRY OF JUSTICE AND PUBLIC ORDER**

22 January 2009