



**NATIONAL REPORT  
OF THE REPUBLIC OF CYPRUS**

**ON**

**THE IMPLEMENTATION OF THE  
CONCLUSIONS OF THE EUROPEAN AND  
WORLD CONFERENCES AGAINST  
RACISM**

Nicosia - Cyprus  
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***Front Cover***

***Painting by Katerina Patsalidou, 4<sup>th</sup> grade elementary pupil,  
2<sup>nd</sup> Prize at a Pancyprian Competition in 2000***

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## ***INTRODUCTION***

The Government of the Republic of Cyprus is strongly dedicated to the promotion of human rights for all and gives a special importance to the fight against racism, racial discrimination, xenophobia and related intolerance. The Government is committed to redouble its efforts and take any further necessary action for preventing and combating racism at domestic level and to continue to support and contribute to the on-going and future activities of the international and European communities in this field. In the light of the conclusions of the European and World Conferences against Racism the Council of Ministers adopted the present Report and appointed a Ministerial Committee to closely monitor the Action Plan, with a view to assessing its impact and effectiveness.

The Report is divided into four Chapters: Chapter I – Legislation, Chapter II – Measures to combat discrimination, Chapter III – Information on Specific Fields and Chapter V – Action Plan.

In Chapter I, the existing anti-discrimination national legislation is described in some detail and covers the constitutional and other legal protection, given for persons claiming to be victims of any form of discrimination, at international and/or national level.

In Chapter II, concrete measures, judicial remedies and recourses at national and international level, are described, as well as the function of specialized bodies/institutions, which also play an important role to the fight against racism, racial discrimination, xenophobia and related intolerance.

In Chapter III, further information in the specific fields of Education, Media, Employment, Welfare, Migration, Health, Youth, Police and Judiciary, are provided.

In Chapter IV, an Action Plan at national level, is described, where the planned activities are restricted to the measures, legislative or administrative, to be taken within the years 2002-2003. Next to each measure the responsible authority for its implementation, is designated, as well as the timetable, for its adoption.

## CHAPTER I

### LEGISLATION (EXISTENCE OF COMPREHENSIVE ANTI-DISCRIMINATION LEGISLATION)

Protection against any form of discrimination and recourse procedures for persons claiming to be victims thereof are safeguarded in the legal system of Cyprus. Our Constitution defines the fundamental rights and liberties and provides effective remedies for their enforcement.

Cyprus has ratified or signed most international legal instruments in the field of human rights, including civil, political, economic, social and cultural rights, and rights in the field of protection and respect of minorities and combating racism. Such legal instruments include, inter alia:

Title	No. of the Ratification Law
The European Convention for the Protection of Human Rights and Fundamental Freedoms and all the Protocols thereof.	39/62, 118/68, 52/89, 11 (III)/99, 35/86, 25(III)/92, 41(III)/93, 8(III)/95, 18(III)/00, 13(III)/02 and 1(III)/03
The two International Covenants on Economic, Social Cultural, Rights, and Civil and Political Rights.	14/69
The First and Second Optional Protocols to the International Covenant on Civil and Political Rights.	17(III)/92, 12(III)/99 and 10(III)/03
The European Social Charter.	64/67 as amended by Laws 5/75, 31/88 and 203/91.
The Protocol amending the European Social Charter .	10(III)/93
The Additional Protocol to the European Social Charter providing for a System of Collective Complaints.	9(III)/96
The Revised European Social Charter.	27(III)/2000
The International Convention on the Elimination of All Forms of Racial Discrimination.	12/67, as amended by Laws 11/92, 6(III)/95 and 28(III)/99
The UN Convention on the Elimination of Discrimination against Women.	78/85

<b>Title</b>	<b>No. of the Ratification Law</b>
The Optional Protocol to the Convention on the Elimination of all forms of Discrimination against Women	1(III)/02
The UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of others.	57/83
The ILO Convention, on Discrimination (Employment and Occupation).	3/68
The ILO Convention, on Migration for Employment (Revised) (ratified by U.K. Government before independence and extended to Cyprus - after independence the Government of Cyprus notified, on 23/9/60, the Secretary General that it considers itself bound by the Convention).	
The ILO Convention, on Migrant Workers (Supplementary Provisions).	36/77
The ILO Convention, on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.	31(III)/00
The ILO Convention, on Equal Pay between Men and Women for Work of Equal Value.	213/87 and 144(I)/00
The ILO Convention, on the Invalidity, Old Age and Survivors' Benefits.	125/68
The ILO Convention, on the Minimum Age for the Admission of Children to Employment at Sea Convention (Revised 1936).	8(III)/94
The ILO Convention, on the Minimum Age Convention, 1973.	17(III)/97
The ILO Convention, on the Minimum Age (Underground World) Convention, 1965.	80/66
The ILO Convention, on Vocational Rehabilitation and Employment (Disabled Person).	42/87
The ILO Convention on Part Time Job.	6(III)/97
Protocol relating to a certain case of Statelessness.	64/77
The United Nations Convention on the Prevention and Punishment of the Crime of Genocide.	59/80
The Geneva Convention Relating to the Status of Refugees (ratified by the UK and extended to Cyprus in 1956 – after independence the Government of Cyprus notified on 16/5/63 the Secretary General that it considers itself bound by the Convention) and its Protocol.	73/68
The Geneva Conventions of 12 August 1949.	40/66
The Additional Protocol to the Geneva Conventions of August 1949 and relating to the Protection of Victims of International Armed Conflicts (Protocol I).	43/79
The Additional Protocol to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II).	7(III)/95

<b>Title</b>	<b>No. of the Ratification Law</b>
The Framework Convention for the Protection of National Minorities.	28(III)/95
The European Chapter for Regional or Minority Languages.	39(III)/93
The Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption.	26(III)/94
The U.N. Convention on the Rights of the Child.	243/90 and 5(III)/2000
The U.N. Convention on the Political Rights of Women.	107/68
The U.N. Convention on Consent to Marriage Minimum Age for Marriage and Registration of Marriages.	16(III)02
The U.N. Convention against Discrimination in Education.	18/70
The U.N. and European Conventions against Torture and Inhuman or Degrading Treatment or Punishment, together with Protocols No.1 and 2 of the latter.	235/90,35(III)/93, 24/89 and 8(III)/97
The European Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data.	28(III)/01
The Rome Statute of the International Criminal Court.	8(III)/02
The UN Convention on Organized Crime and its three Protocols	11(III)03

Also Cyprus, signed on the 3<sup>rd</sup> of October 2002 the Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data and on the 8<sup>th</sup> of February 2001 the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. On the 30<sup>th</sup> of April 2002 and on the 12<sup>th</sup> of March 2003, the Government of Cyprus deposited with the Secretary General of the Council of Europe the instruments of ratification of Protocol No. 12 and 13 to the Convention for the Protection of Human Rights and Fundamental Rights, respectively.

By virtue of the express provisions of Article 169.3 of the Constitution of Cyprus, all of the said international legal instruments are, by virtue of their ratification by Cyprus and publication thereof in the Official Gazette of the Republic, incorporated into the Republic's municipal law, and are, as from the date of their publication, of superior force to any municipal law. Furthermore, Part II of the Constitution of Cyprus, setting out Fundamental Rights and Liberties, incorporates verbatim and in some instances expands upon, the rights and liberties safeguarded by the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Article 35 of the Constitution, imposes on the legislative, the executive and judiciary, a duty to secure, within the limits of their respective competence, the efficient application of the provisions of the Constitution setting out the said fundamental rights and liberties. Article 179.2, obliges the legislative, and administrative and executive authorities of the Republic, not to enact laws, or issue acts or decisions, which are in any way repugnant to, or inconsistent with, any of the provisions of the Constitution, including the human rights provisions thereof.

There is no legal or other restriction, on the exercise of the rights and, enjoyment of the freedoms, whether individually or as a group, as the case may be, flowing from the international legal instruments ratified by Cyprus.

Article 28.1 of the Constitution affords to all persons the right of equality before the Law, the administration and justice, and of equal protection and treatment thereby.

The Fundamental Rights and Liberties of Part II of the Constitution are expressly guaranteed to "everyone" or to "all persons" or to "every person", without making any distinction or differentiation between citizens and non-citizens of the Republic, or between citizens of the Republic who belong to the Greek and Turkish communities and without any distinction or differentiation on grounds of community or religion or nationality, or on other grounds. This stance of the Constitution finds direct expression in Article 28.2 thereof, which specifically affords the right to every person to enjoy the said rights and liberties, without any direct or indirect discrimination on the ground of his "community, race religion, language, sex political or other conviction, national or social descent, birth, colour, wealth, social class or any ground whatsoever, unless there is express provision to the contrary in the Constitution". The right of access to Court therefore which is guaranteed by Article 30 of Part II of the Constitution, as one of the fundamental rights and liberties, is also afforded to everyone, including all citizens of the Republic and whether Greek Cypriots, Turkish Cypriots, Maronites, Armenians and Latins. No Law exists which deprives, or limits the right of access to Court on any of the above grounds, and even if such a Law had existed, its constitutionality would have been challenged not only as amounting to a breach of the said Articles 30 and 28.2, but also as a breach of Article 6, by virtue of which no Law shall discriminate against any of the two Communities or any person as a person, or by virtue of being a member of a Community.

Under Article 109 of the Constitution, each religious group has the right to be represented in the Communal Chamber, in which it opted to belong under Article 2.3 of the Constitution, by the elected members of such group.

Due to the fact that the functions of the Communal Chambers became impossible after the withdrawal of the members of the Turkish Community from their posts, a Law was enacted (Law No.12/65), whereby the powers of the Greek Communal Chamber were transferred to a newly constituted Ministry of Education (Later renamed as Ministry of Education and Culture). The Representatives of the religious groups in the Chamber, despite the dissolution of the Chamber itself, retained, until the expiration of their term of office, the right to state the view of their community on any matter affecting it, and to make the necessary representations before any official body or committee of the House of Representatives or other authority of the Republic. Moreover, the House of Representatives had the obligation to obtain the views of the Representatives on any matter affecting their community. The future representation of the groups in the House of Representatives was reserved for regulation in the future.

In 1970 a Law was enacted, entitled Religious Groups (Representatives) Law (No.58/1970), providing for the election of Representatives of religious groups in the House of Representatives.

The last elections of Representatives of the religious groups took place on 27.5.2001.

Thus, religious groups elect their own Representatives in the House of Representatives, who attend as observers and have an advisory role on religious and educational matters, which affect their group, but without any legislative powers.

It should be recalled that the Constitution of the Republic of Cyprus is a granted Constitution, the basic articles of which cannot be amended. The said Constitution is based on a system of quota participation of the two major Cypriot Communities in all areas of public life. Seats in Parliament are allocated by the Constitution on a 70% to 30% basis between the Greek and the Turkish Communities.

In accordance with the Constitution, members of the smaller Cypriot groups, in order to actively participate in the political life of the country and enjoy their political rights freely, exercised their right to opt on which of the two communities they wished to belong. As members of their chosen

community, they have the same rights as any other community member. Beyond that, and outside the said quota distribution, members of the smaller groups elect their own community representative to represent them in Parliament. This representative is additional to any member that a smaller community may elect to Parliament on the quota of the community to which it has opted to belong. This system does not give rise to tensions between political parties, and the smaller communities, as they do not contest for the same seats in Parliament. The seats held by representatives of the small communities are additional to the normal Parliamentary seats.

By virtue of Article 3 of the Constitution, the official languages of the Republic are Greek and Turkish. Citizens of the Republic speak in fact at least one of these languages.

There is no State religion in Cyprus, and there is no Law, which enumerates or makes any distinction between religions, which are recognized and not recognized.

Article 18 of the Constitution affords the right of freedom of religion, (with the exception of religions whose doctrines or rites are secret), and of equality of all religions or religious institutions. Article 18, also affords the right to every person, whether individually or collectively, and whether in private or in public, to profess his/her faith and to manifest his/her religion or belief, in worship, teaching practice, or observances, and to change his/her religion or belief.

Article 18 prohibits the use both of physical and moral compulsion, for the purpose of making a person change, or preventing him from changing, his/her religion.

The right to education is safeguarded to by Article 20 of the Constitution, and by Articles 86 – 109, which refer to the establishment and functioning of the Communal Chamber, the powers of which were transferred in 1965 to the Ministry of Education and Culture.

Article 21 of the Constitution affords to every person the right to freedom of peaceful assembly and of association with others.

Based on paragraph 4 of article 2 of the Constitution persons that obtained the Cypriot citizenship get the same protection from the Constitution and the same rights as the rest of the citizens. The majority of foreigners in Cyprus that are accepted as permanent residents, work in the private sector but in the

future their children are free to seek employment even in the government if the persons have the necessary qualifications.

Also Article 32 of the Constitution imposes an obligation on the Republic, in regulating by law any matter relating to aliens, to so regulate in accord with international law.

Following the ratification of the United Nations Convention on the Elimination of All Forms of Racial Discrimination, by Ratification Law 13/67, Cyprus has amended the said Ratification Law in 1992 (by Law 11(III)/92) so as to create a number of criminal offences relating to racism. The said Law was further amended in 1999 (by Law 28(III)/99), so that the element of intention is no longer an ingredient of the offence of incitement to acts of discrimination. Section 2A of the Law, which created the offences, now reads as follows:

“Section 2A-Offences

- (1) Any person who in public either orally or through the press or by means of any document or picture or by any other means, incites acts which are likely to cause discrimination, hatred or violence against any person or group or group of persons on account of their racial or ethnic origin or their religion is guilty of an offence and is liable to imprisonment not exceeding two years or to a fine not exceeding one thousand pounds or to both sentences.
- (2) Any person who establishes or participates in any organization which promotes organized propaganda or activities of any form aiming at racial discrimination is guilty of an offence and is liable to the punishments provided for in sub section (1).
- (3) Any person who in public either orally or through the press or by means of any documents or pictures or by any other means, expresses ideas insulting against any person or group of persons by reason of their racial or ethnic origin or their religion is guilty of an offence and is liable to imprisonment not exceeding one year or to a fine not exceeding five hundred pounds or to both.
- (4) Any person who supplies goods or services by profession and refuses such supply to another by reason of his racial or ethnic origin or his religion, or who makes such supply subject to a condition relating to the racial or ethnic origin or to the religion,

of a person is guilty of an offence and is liable to imprisonment not exceeding one year or to a fine not exceeding five hundred pounds or to both such punishments.”

This section has been invoked in criminal case No. 31330/99 dated 12 December 2001 and the accused was actually convicted under subsection (4), where a term of imprisonment was imposed.

In addition to the protection offered by the aforementioned Constitutional and other provisions the following national legislative enactments offer also complete protection for persons belonging to vulnerable groups against discrimination:

- Under the Criminal Code (Cap.154) the following discriminatory acts are punishable offences:
  - Section 47 of the Criminal Code provides that any person who publishes any words or documents or makes any visible representation whatsoever with a seditious intention is guilty of a felony and is liable to imprisonment for five years.
  - Under the provisions of Section 48(f) intention to promote feelings of ill will and hostility between different communities or classes of the population of the Republic, is deemed to be seditious intention for purposes of the above offence under S.47.
  - Moreover Sections 51 and 51A of the Criminal Code also provide as follows:
    - 51(1) Any person who prints, publishes, or to any assembly makes any statement calculated or likely to –
      - (a) encourage recourse to violence on the part of any of the inhabitants of the Republic of Cyprus; or
      - (b) promote feelings of ill will between different classes of communities or persons in the Republic of Cyprus, is guilty of misdemeanour and is liable to imprisonment for twelve months.
    - 51A(1) Any person who publicly in any manner and in any way procures the inhabitants to acts of violence against each

other or to mutual discord or foments the creation of a spirit of intolerance, is guilty of a misdemeanour and is liable to imprisonment for twelve months or to a fine of one thousand pounds or to both such penalties, and if a body corporate to a fine of three thousand pounds.

(2) No prosecution under this section shall be instituted without the written consent of the Attorney-General of the Republic.

- According to Section 105 of the Criminal Code, persons employed in the civil service are guilty of the offence of «abuse of office» if they commit a discriminatory act in the exercise of the authority of their office.
- According to the Criminal Code (Amendment) Law No. 145(I) of 2002 (dated 26 July 2002) the age of consent for both heterosexual and homosexual relationships is fixed at 17 years. By this latest amendment to the Criminal Code the previous existing difference in age, as regards consent depending on sexual orientation was abolished.
- Our Criminal Procedure Law (Cap. 155) affords the possibility of seizure and confiscation of racist and xenophobic material. (Sections 27, 33 and 34).
  - According to Section 27 a warrant of search may be issued if the Judge is satisfied that there are reasonable grounds for believing that there is to be found, in any place, anything upon or in respect of which any offence has been or is suspected to have been committed. Any object of evidential value may be seized under this section of the Law. If, on searching a place under a warrant, property not mentioned in the warrant is found, in respect of which there is reasonable ground to believe that an offence has been or is intended to be committed, such property may also be seized. Any article seized pursuant to the provisions of a search warrant must be produced before the Court out of which the warrant was issued.
  - According to Section 34 a Judge has power to order the destruction of a document or thing the use or possession of which

is prohibited, irrespective of whether any person is prosecuted in respect of such use or possession.

- A special Law dealing with domestic violence namely the Violence in the Family (Prevention and Protection of Victims) Law of 1994 (Law No. 47(I)/1994), condemns any act of violence within the family, raises substantially the penalties for violence and provides protection to victims mainly by empowering the Court to issue restraining orders prohibiting the aggressor from entering or staying in the marital home. In addition, the Violence in the Family (Prevention and Protection of Victims) Law of 1994 (Law No. 47(I)/94):
  - clarifies that rape can be committed within marriage,
  - speeds up trials dealing with cases of domestic violence,
  - facilitates the reporting of violent incidents,
  - provides for the appointment of Family Counselors.
  - provides for the setting up of an Advisory Committee to monitor the implementation of the Law, and
  - a Multidisciplinary Group of Experts to provide the necessary assistance to children and young victims.
- A new Law on Violence in the Family (Prevention and Protection of Victims) of 2000 (Law No. 119(1)/2000 has been enacted in order to effect substantial improvements based on the experience gained since the enactment of the initial law in 1994. It contains several new provisions such as:
  - the taking of testimony of victims of violence by electronic means,
  - the protection of victims in court while giving evidence,
  - the setting up of a fund to meet certain immediate needs of victims , and
  - the establishment of a shelter where victims can have protection.

- The Combating of Trafficking of Human Beings and Sexual Exploitation of Juveniles (Law No.3(I) of 2000), provides for the protection of women and children from exploitation. Under this Law certain, if not all, forms of modern slavery are being made offences entailing severe punishment. Acts being made offences under this Law are the sale of children, exploitation of women and children by prostitution and the use of children for the production of pornographic films and other publications. An important provision of the Law is the appointment of a guardian for the protection of the victim. The jurisdiction of the Courts is extended to hear cases and impose penalties for any such offences irrespective of the country in which the offence was committed or the nationality of the offender.
- The Refugee Law (Law No.6(I) of 2000), provides, inter alia, for the protection of refugees and displaced persons regardless of ethnic origin. It sets basic principles for the treatment of a refugee, deals with their rights and obligations, provides for the entry and issue of temporary residence permits to asylum seekers, specifies the procedure for recognition of the status of a refugee and establishes an Authority in relation thereto.

By an amendment to the Refugee Law, on 22 February 2002, an independent review authority was established comprised of law officers of the Law Office of the Republic, designated by the Attorney General of the Republic and appointed by the Council of Ministers for a period of three years. The appointment of these officers by the Council of Ministers took place on 24 April 2002 (Decision No. 55.539).

- The Aliens and Immigration Laws, provide, inter alia, that migrant workers who reside in Cyprus are not subject to deportation, unless they become dangerous to the national security or act against the interest of public order or morality.
- By virtue of an amendment to the Citizenship Law, (Law No. 168(I)/01), the children of a female Cypriot citizen, if they were born in Cyprus, automatically acquire the Cypriot citizenship. In case they are born abroad, they keep the right to acquire the Cypriot citizenship upon application, submitted by one of the parents. Prior to the above amendment, the children of a Cypriot woman did not have this right, but they could become Cypriot citizens only with the approval of the

Minister of Interior and provided that they fulfilled certain strict criteria.

Another important amendment to the Citizenship Law, concerns the children of a Cypriot woman, who are over the age of 18 and were born after the 16<sup>th</sup> of August 1960, either in Cyprus or abroad. These children are automatically Cypriot citizens, except those who are permanent residents abroad. These children are eligible to apply in order to get registered as Cypriots citizens.

Also, according to the same Amendment Law, the alien spouse, irrespective of gender, is eligible to acquire the citizenship of the Cypriot spouse, provided that they live together, as husband and wife for a period of 3 years, and that the alien spouse is a permanent resident of Cyprus for at least 2 years before submitting his/her application for citizenship.

- The new Law on the Processing of Personal Data (Law No. 138(I)/2001) facilitates the implementation of the European Convention on the Automatic Processing of Personal Data and brings the domestic legislation of Cyprus in line with the Data Protection Directive 95/46/EC of 24 October 1995.

Article 2 of the Processing of Personal Data Law contains a definition of sensitive data: sensitive data means data concerning racial or ethnic origin, political convictions, religious or philosophical beliefs, participation in a body, association or trade-union, health, sexual life, and data relating to criminal prosecutions or convictions.

As a general principle Article 6(1) Processing of Personal Data Law states that the collection and processing of sensitive data is prohibited, unless one of the conditions mentioned in paragraph 2 applies: Collection and processing of sensitive data is permitted, inter alia, with the consent of the data subject, to carry out obligations under employment law, to protect the vital interests of the data subject, processing is carried out by a foundation, association or other non-profit organization, data that were made public by the data subject, or the data are necessary for legal claims before court.

Also, sensitive data related to the detection of crime, criminal convictions, security measures and investigation of mass destruction can be processed where this is necessary for purposes of national

needs or national security, as well as criminal investigations, and is performed by a service of the Republic of Cyprus, or an organization authorized for this purpose by a service of the Republic of Cyprus.

- The new Law on the Protection of Young Persons at Work (Law No. 48(I) of 2001), updates the previous legislation and brings fully in line with the Acquis Communautaire. This new Law contains provisions aiming at the protection of children and young persons at work (e.g. provisions relating to hours of work, rest periods and employment during night).
- The Equal Pay between Men and Women for Work of Equal Value (Law No.158 of 1989) provides, inter alia, that if there is a breach of contract based on unequal treatment one may file a civil action for breach of contract to the District Court with a right to appeal to the Supreme Court.
- The Equal Pay Between Men and Women for the Same Work or for Work for which Equal Value is Attributed (Amendment) Law No. 177(I) of 2002 (dated 12/9/2002), extends the right of equal pay for the “same like or substantially like”, work to cover work of equal value of “unlike nature” as well. The Regulations, issued under this law provide for effective mechanisms for the implementation of the provisions of the law defining the powers of the inspectors, the composition and the terms of reference of the Technical Committee which assists the Industrial Disputes Court in determining work of equal value and the criteria which apply for comparison purposes.
- The Maternity Protection Law, (Nos. 100(I) of 1997, 45(I) of 2000 and 64(I) of 2002) afford, among others, the right to maternity leave and to protection of health and safety at work of pregnant women and women who have recently given birth or are breastfeeding.
- The Maternity Protection (Safety and Health at Work) Regulations of 2002, safeguard, among others, safety and health at work of pregnant women and women who have recently given birth or are breastfeeding. The employer has the obligation to estimate the dangers at work and remove these women to another job or if this cannot be done to release them from doing such kind of work without having any effect on their rights.

- The Law for Persons with Disabilities, (No. 127(I) of 2000) provides, inter alia, for the introduction of the general principle for non-discrimination, as well as for specific protective measures in the field of employment (including provisions regarding recruitment, promotion in employment, vocational rehabilitation within the enterprise, special protection in cases or termination of employment, etc). An important provision of this Law is the creation of a fund, which is endowed by regular contributions from the Government, by contributions from the private sector and by percentages from charitable events, which are carried out under a license issued under the Law. The purpose of the fund is to supplement and not substitute the obligation of the Government towards disabled persons.
  
- An amendment to the Regulations on the Homes for the Elderly and the Disabled and the Adult Day – Care Centres improved the quality of care facilities to older persons, in line with the general principles of EU policy on social protection and exclusion.
  
- The Social Insurance (Amendment) Law (No. 51(I) of 2000) provides for the abolition of all discriminatory provisions on the basis of sex concerning the self-employment of women in agriculture, the payment of increases for dependants and the payment of marriage grant. The new legislation came into force on 6.10.2001.
  
- Under the Press Law of 1989 (No.145 of 1989) a journalist, local or foreign, has the right to seek and obtain information from private sources without any obstruction from state organs and further has the right to publish freely such information unless reasons concerning the safety of the Republic, the public and constitutional order, the public safety or the protection of the rights of third persons, dictate the contrary.
  
- The Public Education Service Law, which was amended by Law No. 180 of 1987 and provides that, in filling first entry posts in the Public Education Service, persons with disabilities should be appointed in accordance with a proportion specified in the Law (i.e. persons with disabilities as a result of the liberation struggles at a percentage of 5% of the posts to be filled and other persons with disabilities at a percentage of 3% of the posts to be filled).
  
- The Law on the “Engagement of Trained Blind Telephone Operators”, enacted in 1988, which mainly provides that, in filling

vacant telephone operators posts in the Public Service, the Public Education Service and parastatal organizations, priority should be given to blind candidates who fulfill the schemes of service and who are trained operators and, in cases where blind candidates are not available, priority should be given to “disabled” persons, as this term is defined in the law.

- The Public Service Law No. 1 of 1990, which provides that, in filling vacant posts in the Public Service, priority should be given to “disabled” candidates, as this term is defined in the Law, who fulfill the schemes of service, provided that the Commission responsible for the selection is satisfied that:

they are able to perform the duties of the posts, and  
they are not inferior to the rest of the candidates as regards merit and qualifications.

- The Protection of the Mentally Retarded Persons Law No. 117 of 1989 provides inter alia, that persons suffering from mental disorder are treated in the same way as any other patient. The compulsory treatment is limited to cases where such treatment is necessary for the protection of the patient and of the public. In any event it is not of fixed duration subject of course to the possibility of being extended or terminated.
- The Street and Building (Amendment) Regulations No. 3322 30.4.99 which provide for easier and safer access of disabled persons to public places and buildings.
- The establishment of a Special Fund Law No. 79(I) of 1992 which provides for services and programmes for the rehabilitation of the disabled.
- The Special Education for young persons with Special Needs Law (No. 113(I) of 1999) safeguards the rights of the children with special needs. In relation of this law, the Ministry of Education and Culture has adopted the policy aiming at the integration of children with special needs into mainstream education. In addition, every effort is made to provide all the necessary facilities for disabled pupils, e.g. easy and safe access to classrooms, support with auxiliary equipment. The relevant budget of the Ministry is indicative of the efforts made to implement this policy.

- The University of Cyprus (Tuition Fees) (Amended) Regulations of 2002, concerning the Students' Mobility Rights (Gravier Ruling) (dated 24/10/2002). By these Regulations the principle of equal treatment with regard to the level of tuition fees and quotas for admission of EU students and thus abolishing any discrimination against them and harmonizing our legislation to fully comply with the "Gravier Ruling" is adopted. This legislation will enter into force on accession of Cyprus to the E.U.
- The Tertiary Education Institutions (amended) Law of 2002 (dated 24/10/2002), which extends the right of establishing a Higher Education Institution in Cyprus to EU nationals as well, thus abolishing the existing discrimination against them. This law will enter into force on accession of Cyprus to the E.U.
- The Public Assistance and Services Law of 1991, which guarantees a minimum standard of living for all persons legally residing in Cyprus. The law applies to any person whose resources do not meet his/her basic and special needs as defined by law. The law includes also special provisions for the disabled, single mothers, older persons, families with four children or more, internally displaced persons etc.
- The Legal Aid Law No. 165(I) of 2002, which provides for legal aid to persons with low income and for proceedings both before civil and criminal courts regarding cases in respect of violation of human rights and includes family law cases.
- The Protection of Witnesses Law No. 95(I) of 2001, which provides for a comprehensive scheme of protection of witnesses and those who assist in the fight against crime, which includes measures of physical protection which may be applied before, during and after the trial, as well as special procedural measures during trial aiming at avoiding any form of threat, pressure, suffering or intimidation, upon the witness, which would affect his/her statement and consequently hinder the proper administration of justice.
- The Law No. 144(I) of 2001, which provides for payment of just and reasonable compensation to persons having partially served a term of imprisonment following conviction for a criminal offence, when their conviction is quashed on appeal.

- The Military Criminal Code (Amendment) Law No. 39(I) of 2002 (dated 19 April 2002), which provides total abolition of the death penalty. This Law was enacted as a consequence to the signing and ratification of Protocol No. 13 to the ECHR on the abolition of the death penalty in all circumstances.
- The Equal Treatment for Men and Women in Employment and Vocational Training Law No. 205(I) of 2002 (dated 6/12/2002), which ensures full alignment with the EU Directive 76/207/EEC “on equal treatment of men and women in employment, vocational training and promotion and working conditions” and with the Directive 97/80/EC on the burden of proof. This Law covers the issues of positive action, gender based advertising, sexual harassment and burden of proof. It also provides for effective remedies for breaches of the principle of equal treatment and for the establishment of Equality Committee and of a Research and Evaluation Committee on Employment. These mechanisms deal with issues relating to access to employment, vocational training, promotion, equal pay and conditions in employment.
- The Parental Leave Law No. 69(I) of 2002 (dated 23/5/2002), which ensures full alignment with the EU Directive No. 97/80/EEC and provides for the right to any parent for parental leave up to 13 weeks due to birth or adoption of a child. It also provides for parental leave up to 7 days for force majeure reasons.
- The Determination in Employment (Amendment) Law No. 79(I) of 2002, which provides for a reduction to the working hours per week for part-time workers from 24 to 18 hours.
- The Equal Treatment for Men and Women as regards Professional Social Insurance Schemes Law No. 133(I) of 2002, which entered into force on the 1<sup>st</sup> of January 2003, ensures full alignment with the EU Directives 86/378/EC, 96/97/EC and 97/80/EC.
- The Social Insurance (Amendment) Law No. 130(I) of 2002, which provides for the abolition of any discriminatory provisions concerning the right to voluntary insurance.
- The Detachment of Employees, within the framework of Provision of Services, Law No. 137(I) of 2002, which safeguards the minimum terms and conditions in employment for all employees (Cypriots and

Aliens) working in Cyprus on a temporary basis. This Law will enter into force upon accession of Cyprus to the European Union.

- The Part-Time Job Employees (Prohibition of Discrimination) Law No. 76(I) of 2002, which deals with the protection of part-time employees at work and provides, inter alia, for the prohibition of any discrimination against them, as regards terms and conditions of employment.

## CHAPTER II

### MEASURES TO COMBAT DISCRIMINATION, IN PARTICULAR INCITEMENT TO HATRED AS WELL AS RACIST AND XENOPHOBIC ACTS

#### *(a) Recourses*

- Cyprus is one of the twenty five states to have made the declaration under article 14 of the U.N. Convention which effectively recognises the competence of the Committee on the Elimination of Racial Discrimination (CERD) to receive and consider communications from individuals or groups claiming to be victims to a violation of any of the rights set forth in the Convention.

Also, Cyprus has accepted the compulsory jurisdiction of the European Court of Human rights and the optional clause of compulsory jurisdiction of article 36(2) of the Statute of the International Court of Justice and also recognised the right of individual application referred to in article 34 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

An individual, having exhausted domestic remedies, may have recourse or submit a communication under the optional procedures of various international human rights instruments, such as the International Convention on the Elimination of all Forms of Racial Discrimination (CERD), the European Convention of Human Rights, the (First) Optional Protocol to the International Covenant on Civil and Political Rights, and the International Convention against Torture, and other Cruel, Inhuman or Degrading Treatment or Punishment.

- Free exercise and protection of civil, political and other human rights within the ambit guaranteed by the Constitution and international legal instruments is secured through the availability of effective remedies, at national level, through Court proceedings or other channels, and through the enactment of substantive and procedural laws giving effect to, or facilitating the application of the human rights provisions of the Constitution.

Thus, Article 30.1 of the Constitution guarantees to every person the right of access to Court and at the same time Article 30.2, secures to any person the right to a fair and public hearing within a reasonable time, by an independent, impartial and competent court established by law, in the determination of his civil rights and obligations and of any criminal charge against him/her. The said Article incorporates in fact verbatim all the provisions of Paras 1, 2 and 3 of Article 6 of the European Convention for the Protection of Human Rights. By virtue of Article 35, Courts exercising civil and criminal jurisdiction, and the Supreme Court of Cyprus, exercising inter alia, jurisdiction as an appellate, administrative and constitutional court, have an obligation to secure the provisions of the said Article 30 and of all other human rights provisions of the Constitution including civil and political rights. In the enactment of legislation, the executive and the legislature, also have the same obligation by virtue of Article 35, resulting thus in the enactment of substantive and procedural laws, giving effect to, or facilitating, the application of the human rights provisions of the Constitution.

- A person complaining that a decision, act or omission of any organ, authority or person in the State is contrary to the provisions of the Constitution or of any Law (including international legal instruments, ratified by Cyprus), or was made in excess or in abuse of powers, can file a recourse to the Supreme Court of Cyprus which is vested by Article 146 of the Constitution with exclusive jurisdiction to adjudicate finally on such a recourse; with power to declare such act or decision null and void and of no effect whatsoever or, in the case of an omission to declare that the omission ought to have been made and that whatever had been omitted should have been performed. Article 146 of the Constitution has been successfully invoked for violation of, inter alia, the right to respect private and family life, right to freedom of thought, conscience and religion, right to freedom of speech and expression, freedom to marry and found a family, right to freedom of association and to form and join trade unions, and the right to enjoy human rights guaranteed under the Constitution without discrimination on the ground of sex. Following a judgment of the Supreme Court as above, Article 146.6 affords a civil law right to the person concerned, if he/she has suffered damage resulting from the decision, act or omission which has been annulled, and his/her claim has not been satisfied, to institute civil proceedings by Action, for the recovery of just and equitable compensation or for the grant of other just and equitable remedy.

- In addition to legal proceedings that can be brought directly as above before the Supreme Court of Cyprus, for the specific purpose of obtaining a judgment annulling a decision, act or omission of the state, a party to judicial proceedings, whether civil or criminal, or on appeal, can raise as an issue, a question of unconstitutionality of the provisions of a law, which are contrary, inter alia, to human rights provisions of the Constitution, and also a question whether it is contrary to the provisions of any Convention ratified by the Republic.
- In other cases, where the alleged infringement of the right in question does not emanate from an administrative act, decision or omission impeachable as above by recourse for annulment, the complainant may have a cause of action in tort, which he/she may pursue by means of a civil action. Such a civil action may be instituted against the private individual concerned, if such is the case, or against the Republic, which by virtue of Article 172 of the Constitution, is liable for any wrongful act or omission causing damage committed in the exercise or purported exercise of the duties of officers or authorities of the Republic. Proof of damage causally linked to the acts or omissions for which a defendant is held liable in such civil action to compensate a plaintiff, result in award of damages by the Court. In civil actions, in which liability results from conduct which is unconstitutional or which contravenes international legal instruments ratified by Cyprus, on the part of a government official, such as false imprisonment or ill-treatment by the police, or violation of the right to private life, courts are empowered to award over and above compensatory damages, exemplary (punitive) damages. In a case where the defendant violated the plaintiff's right to private life by tapping his telephone conversations, the Court awarded damages, though the plaintiff had not proved that he sustained any damage.
- In cases involving violation of the right to freedom, contrary to Article 11 of the Constitution (which corresponds to Article 5 of the European Convention for the Protection of Human Rights), para.8 of the Article, affords an enforceable right to compensation, which can be exercised by instituting civil proceedings for false imprisonment Para.7 affords the right to every person deprived of his/her freedom by arrest or detention, to institute proceedings for challenging the validity of detention, and to have his/her release ordered by the court if the detention is not lawful (writ of Habeas Corpus).

▪ **The Attorney General of the Republic**

The Attorney-General of the Republic, is under the Constitution, an independent officer of the State. He is Head of the Law Office of the Republic, an independent Office, not coming under any Ministry of the Government. (Article 112).

The powers afforded by the Constitution to the Attorney-General, to institute, conduct, take over and, continue or discontinue proceedings for any offence (Article 113), invest him with authority, as an independent Officer of the Republic to exercise control and co-ordination over the machinery of administration of criminal justice, in the public interest. He is furthermore the sole legal adviser of the Republic, the President, the Council of Ministers and the Ministers with responsibility to ensure the observance of legality and the rule of law.

In exercise of his constitutional powers, the Attorney-General of the Republic of Cyprus, can ex-proprio motu ask the Police to initiate, and carry out an investigation into the commission of any criminal offence, including an offence involving human rights violations, for the purpose of determining whether to institute criminal proceedings against any person, and can give instructions to the Police regarding the conduct of the investigation (collection of evidence and interrogations), both in the case of an investigation initiated in pursuance to his own instructions, and also in the case of an investigation carried out in performance of the Police's duty to detect and bring offenders to justice. The Attorney-General, can thus ex-proprio motu ask the Police to initiate and carry out an investigation into the commission of any criminal offence involving human rights violations, including offences related to racism, under inter alia, S2A of the Convention on the Elimination of all Forms of Racial Discrimination (Ratification) Law, or under the Criminal Code, or the Ratification Laws of relevant international legal instruments.

In cases concerning allegations of commission of such criminal offences against members of the Police, a power afforded to the Council of Ministers by S.4 of the Criminal Procedure Law, Cap.155, to appoint criminal investigators to carry out investigations, has since 1996, been delegated by the Council, to the Attorney-General, who is

thus empowered, to appoint criminal investigators to investigate the matter, not only upon submission of a written complaint but also *ex officio*. The Attorney General exercised this right in more than 30 cases within the period April 2001 to July 2002.

- **The Law Commissioner**

The Law Commissioner, an independent officer, who is responsible for the updating of legislation has also been charged with the identification of areas of inconsistency of municipal law and administrative practice, with current international law standards in the field of human rights, and proposing necessary action. Any restrictions or limitations on human rights guaranteed under the Constitution, have to be provided by law, and have to be absolutely necessary only in the interests, of the security of the Republic, or the constitutional order, or the public safety, or the public order, or the public health, or for the protection of the rights guaranteed by the Constitution to any person. Provisions relating to such limitations or restrictions are interpreted strictly by the Courts.

- **The Ombudsman**

By virtue of S.5(1)(a) of the Commissioner for Administration Law 1991 (Law 3/91 as amended by Law 10(1)/95), the ambit of the Commissioner's power to investigate complaints against the public service and its public officers, including the Police, the Army and the National Guard, expressly covers investigation into complaints that acts or omissions violate human rights, and covers thus complaints as to racial or other related forms of discrimination and intolerance.

The Commissioner submits yearly a Report (which is published), to the President of the Republic, containing observations and suggestions, copy of which is also submitted to the Council of Ministers and the House of Representatives. A Report also prepared in relation to each particular case which has been investigated, including cases of racial or other related forms of discrimination and intolerance is submitted by the Commissioner to the authority which has competence over the public service or public officer concerned, with copy to the complainant, and in the event that the Commissioner concludes in this Report, that the complainant has suffered some injury or injustice, the Report also contains the Commissioner's suggestions or recommendations to the competent authority

concerned, for reparation of the injury or injustice, specifying at his discretion the time within which such reparation must take place. If the said competent authority fails to give effect to a suggestion or recommendation for reparation, the Commissioner may make reference to this, by special report submitted to the House of Representatives and the Council of Ministers.

In the event that acts or omissions, which are found by the Commissioner to have violated the complainant's human rights amount also to criminal offences, such as criminal offences related to racism or other related forms of discrimination or intolerance, then, copy of the Report submitted to the competent authority, is also submitted to the House of Representatives, the Council of Ministers and the Attorney-General of the Republic.

The Attorney-General of the Republic, in exercise of his constitutional powers, can order, upon submission to him of such a Report, an investigation to be carried out by the Police or, in case of such criminal offence having allegedly been committed by a member of the Police, he can appoint independent criminal investigators under the power delegated to him by the Council of Ministers. Upon completion of any such investigation, and if the evidence collected so warrants, the Attorney-General may institute criminal proceedings.

During 2001, the Ombudswoman dealt with 1331 cases, mainly in the area of labour and education, immigration and cases concerning the relationship between public bodies and citizens.

- **The National Institution for the Protection of Human Rights**

The National Institution for the Protection of Human Rights, established in 1998, has a general mandate, as an independent body with broad representation of government officials as well as representatives from NGOs and the House of Representatives, to keep under surveillance respect for human rights. Among its functions is to hear and investigate complaints regarding violations of human rights, including complaints from migrant workers and other non-citizens of the Republic. Another function of the Institution is, to promote proposals for the amendment of statutory provisions, which may conflict with principles set out in international legal instruments in the field of human rights. The Institution has already requested the Embassies and Consulates of the countries with nationals working or

residing in Cyprus, to refer to the Institution any complaints or reports regarding violations of human rights against their nationals, in an effort to create a channel of direct communications, facilitating thus the reporting and investigation process of such complaints.

The Institution submits an annual report to the Council of Ministers and the House of Representatives concerning its activities and the cases of violation which have been examined.

One of the more effective tasks of the Institution is the co-ordination and preparation of the periodic reports which are submitted to the various treaty bodies including the committee of experts established under the International Convention for the Elimination of All Forms of Racial Discrimination. The Institution disseminated the report and all supplementary instruments, as well as the observations and recommendations of the Committee, to a large cross section of public agencies, private representative bodies and to non governmental organizations dealing with human rights. While on the issue of the International Convention for the Elimination of All Forms of Racial Discrimination it must be noted that an indication of the importance the Republic of Cyprus lays on the convention and in general on matters of discrimination is the fact that the 15th Periodic Report of Republic relating to the said convention was presented to the Committee by a delegation consisting of the Attorney- General, the Law Commissioner and the Commissioner for Administration.

The setting of a group of volunteers for refugees which operates under the Institution for Human Rights, is a very encouraging development and it may be used as a model for the setting up of similar groups or other specialized areas.

- **The Presidential Commissioner**

The Presidential Commissioner, appointed by the President of the Republic, is responsible for the religious groups of Maronites, Armenians and Latins. The Commissioner has established close cooperation with the religious groups and several matters or demands raised by each group are directly examined. The three religious groups have always had harmonious relations within the Cyprus society. The appointment of the Commissioner enhances further this relationship as it ensures absolute and direct co-ordination with the

religious groups and fast and effective solution of any problems that might arise.

▪ **The National Machinery for Women's Rights**

The National Machinery for Women's Rights coming under the Ministry of Justice and Public Order was established in 1989 and was reformed in 1994. It provides advice to the Council of Ministers on issues relating to equality and it is directly involved in the implementation of national policy, the organization of information and education programmes and the provision of support to women's organizations. It also contributes to the mobilization and sensitization of the government sector on gender equality and serves as a cooperation channel between the Government and NGOs working in this field. The Council of Women's Rights, consisting of representatives of the major women's organizations, trade unions and government departments and chaired by the Minister of Justice and Public Order, is the most important body of the Machinery.

Besides law reform, current priorities of the National Machinery include the increase of women participation in politics and in the decision making process and the prevention and combat of violence against women. The role of the Machinery goes far beyond the development of women specific activities and extends to the inclusion of a gender perspective in all national plans and policies (Gender Mainstreaming).

During 2001 and 2002, the following activities have been promoted by the National Machinery for Women's Rights:

- (a) In collaboration with the University of Cyprus and the High Commission of India, in Cyprus, an event on Racism and Discrimination, which included the showing of the film by Ms Mitra Sen, "Just a little red dot.....", was organized.
- (b) A number of Research Programmes have been carried out concerning participation of women in politics the profile of women entrepreneurs and Women and domestic violence.
- (c) As regards participation of women in political life, a number of activities have been promoted, in view of May 2001 parliamentary elections, to support women candidates, such as:

circulation of a special booklet, radio programmes, posters and other activities to promote all women candidates.

- (d) A training programme on Gender Mainstreaming for the gender focal points and high ranking officials from various Ministries was organized during 2002, aiming at creating awareness among officers and decision makers concerning gender equality issues.

The Government, through the NMWR, recognizing the important role of NGOs in this field, has increased considerably the subsidies which offers to these organizations in order to assist them in the implementation of their own programmes and activities.

- **The House of Representatives**

The House of Representatives and its Committees in the exercise of their functions including parliamentary control, can, and do consider, any allegations or situations that may involve violations of human rights.

- **NGOs**

The main Non-Governmental Organizations related to the issue of combating racism are as follows:

- (a) The International Association for the Protection of Human Rights in Cyprus
- (b) The Committee for the Restoration of Human Rights Throughout Cyprus
- (c) The National Committee for the Protection of Human Rights
- (d) The Immigrants Support Action Group.

These Organizations are involved in a number of activities, which promote human rights education and awareness among the public at large and organize specific activities and events whose purpose is to further sensitize on human rights issues.

Non governmental organizations (NGOs) play a very significant role in making the problem of domestic violence visible in the society, especially through their sensitization programmes and public campaigns. The Government supports and subsidises their programmes and activities.

A shelter for battered women and a special fund for Legal Aid to Victims of Domestic Violence have been set up. Both are run by an NGO and are subsidized by the Government.

- **Refugee Authority**

Since 2001, a Refugee Authority, consisting of the Directors General of the Ministries of Interior (Chairman), Justice and Public Order and Foreign Affairs or their representatives, has been established under the Refugee Law and its implementing Regulations. It is an independent body entrusted with the examination of asylum applications. The Authority also has the responsibility of supervising the implementation of the Refugee Law, of making proposals and suggestions to the Government of the Republic concerning matters on refugee policy and of issuing directions, circulars and guidelines for the matters mentioned in the Law or the related Convention or the outcomes of the Executive Committee (Executive Committee of the High Commission's Programme) or related resolutions of the UN or other international organizations or bodies.

The Refugee Authority has taken full responsibility on 1 January 2002 and the interviews of asylum seekers started on 11 March 2002. Until the end of September 2002, 46 decisions in the first instance were taken. Since 22 February 2002, following an amendment to the Refugee Law, an independent Review Authority was established which is comprised of three Law Officers from the Law of the Republic, designated by the Attorney General and appointed on 24 April 2002 by the Council of Ministers (one Attorney of the Republic, one Senior Council of the Republic and one Council of the Republic). The Review Authority is now in place and the appointment of its members is for a period of three years.

The Refugee Authority has prepared an informative booklet for applicants for Refugee Status, which is available to all asylum seekers. This booklet is a useful guide containing details on how to submit an application for refugee status, on how to apply for Residence or Work Permits, on the rights and obligations of asylum-seekers, on how to apply for public assistance, on interviews for refugee status determination, on the assessment of the application and on the right to appeal. It also contains a catalogue of useful telephone numbers of Governmental Departments and of other Organizations.

The staff of the Refugee Authority presently consists of four eligibility offices, who are carrying out the function of refugee status determination, one Administrative Officer and four clerks/assistants.

The Refugee Authority has been allocated five newly refurbished offices in the Migration Department's building complex of the Ministry of Interior, which are being utilized as follows:

Reception/waiting room (for asylum seekers)  
Clerk's/assistant's Office and registry/library  
3 offices for eligibility officers in which interviews take place.

Technical equipment has been provided and the services of interpreters have been secured, with the assistance of the Press and Information Office of the Republic, which are used at the assessment interviews in the following languages: Farsi, Turkish, Arabic, Russian, Serbo-Croat.

Concerning training, the four eligibility officers are under intensive on the job training with the L.O of UNHCR regarding assessment, CIO etc. They have also participated in a seminar held in Cyprus by officials of UNHCR Geneva on the legal implications of granting asylum status.

Additionally they have attended two seminars organized by ACCORD in Berlin and Vienna (two-weeks tailor-made on the job training) on country-of-origin information.

In order to enhance the administrative capacity and effectiveness of the Refugee Authority concluded a "twinning light" project which inter alia covers training of staff and the development of the documentary systems of the Refugee Authority. The relevant contract was signed in November 2002 and the project will run up to the end of May 2003.

Finally a library is being set up at the premises of the Refugee Authority which is being provided with basic publications on asylum matters, maps, Other Country of Origin Information, periodicals, etc. A specific provision in the authority's budget is provided for this purpose.

Refugee Authority  
Budget for 2002

		CYP
1.	4 p.c's networked together and necessary software (acquired)	4.000
2.	3 portable p.c's for the 3 eligibility officers	4.500
3.	3 printers (acquired)	1.000
4.	Heavy duty photo copier	3.500
5.	Telefax machine	700
6.	1 scanner	150
7.	6 filing cabinets	560
8.	Traveling and subsistence allowance	2.000
9.	Utilities (electricity, telephones, etc)	1.000
10.	Publications	1.000
11.	Office Expenses (Miscellaneous)	1.000
12.	Car expenses (from Department of electromechanical services)	2.000
13.	Training of eligibility officers	5.000
14.	Interpreters, translations, travel and subsistence allowance	25.000
15.	Miscellaneous	1.000
	Twinning light programme (The proposal is being finalized)	CYP 52.410 4.682 -----
	TOTAL	CYP 87.092 / EUR 150.670

#### Reception capacity

Cyprus planning to proceed by the time of accession to the EU with the construction of a new reception centre in the area of Kofinou at Larnaca District which will initially have the capacity of accommodating 150 persons and which will have an extension capacity to accommodate up to 500 persons. At the same time, Cyprus intends to continue the present scheme of granting to the asylum seekers subsistence and accommodation allowances and free medical care, in the cases where there will be no room in the reception centre.

The land on which a Reception Center is to be erected has already been secured and funds for the construction (580.000 EURO) have been approved by the House of Representatives.

▪ **Commissioner for Data Protection**

A Commissioner for Data Protection as a Supervisory Authority for Data Protection, was appointed by the Council of Ministers on 17 January 2002, who holds her own office and supporting staff.

The Commissioner has a general mandate, to examine/investigate complaints of any person who applies to her regarding the proper application of the law and the rights of the applicant and to inform the latter as to the outcome of such investigation and the steps taken in relation thereto. Additionally she may institute investigations on her own initiative.

The Commissioner has effective powers of intervention such as the following:

- (a) She may issue instructions as to the uniform application of the provisions of the law.
- (b) In the case of data having been collected contrary to the provisions of the law, the Commissioner may, on her own initiative or after a complaint, order the interruption of collection or processing and the destruction of data already collected.
- (c) She may submit to the controllers suggestions or recommendations and she may give publicity to them if she thinks it is appropriate.
- (d) She may impose the following administrative sanctions on controllers:
  - Warning, with a fixed time-limit for complying
  - Fine up to £5.000
  - Temporary revocation of a license
  - Permanent revocation of a license
  - Destruction of the file or interruption of processing and destruction of data.

Training programmers for the personnel of the Office of the Commissioner for Data Protection and a seminar in Cyprus will be organized in 2003, within the framework of the "Twinning Light" Programme.

▪ **Advisory Committee on Violence in the Family**

The Advisory Committee which has been set up under the Law on Violence in the Family, monitors the implementation of the Law and puts forward suggestions and measures for its improvement.

Particularly, the Advisory Committee, consisting of professionals from the public and private sector, has a very broad framework of responsibilities including the following:

- providing training services to all professionals,
- promoting public campaigns,
- creating a central data collection system on the extent of violence in the family,
- establishing interagency co-ordination, and
- conducting scientific research.

The Committee has set amongst its priorities the training of professionals dealing with domestic violence cases. Special training programmes have already been carried out for members of the police, welfare officers, doctors, school counselors and teachers.

Also, special attention has been given to the improvement of interdepartmental collaboration when dealing with violent cases and the drafting of concrete and clear guidelines for all professionals involved as well as the carrying out of a scientific research on "Violence in the Family".

## CHAPTER III

### FURTHER INFORMATION IN OTHER SPECIFIC FIELDS

#### Education

The general aim of education systematically offered by the Ministry of Education and Culture is, in addition to creating free, democratic and autonomous citizens with integral personalities, formulating sound personalities and the pursuit of cooperation, understanding and love between people and races in view of a predominance of freedom, justice and peace.

The Ministry of Education and Culture rejects any form of racism, discrimination on the grounds of race and ethnic origin, religion and disability, as well as any form of xenophobia and intolerance. There are express and clear instructions on the subject by the Ministry to the educationists so as to promote tolerance and respect towards difference.

Primary and secondary education is compulsory and free to all persons, irrespective of their financial situation, racial or ethnic origin, colour, religion or belief.

It is an established practice of all elementary and secondary schools and higher education institutions, to celebrate yearly several events and celebrations related both to the United Nations and its Specialized Agencies, and also to the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and the European Convention on Human Rights. In the context of these celebrations the principles and international instruments of the above Organizations are analyzed and projected.

The competent authorities have reinforced the school curricula and instituted programmes in the field of human rights. Special attention is placed to the education programmes of the children belonging to religious groups through a system of subsidies, while language programmes are organized for the children of immigrants. Training programmes for civil servants or for the public are also organized within the framework of which all legal and administrative remedies are also presented.

The right of religious groups or communities to set up and operate their own schools is safeguarded and such schools are subsidized by the State.

Children belonging to religious groups or communities, such as Turkish-Cypriots, Maronites, Armenians and Latins, are assisted by the State to attend private schools of their choice. The State covers all fees and expenses of Turkish – Cypriot pupils whose families reside in the areas controlled by the Government and who attend private schools of elementary and secondary education. The Government also grants a fixed amount of money per year to every Armenian, Maronite and Latin pupil attending a private school.

Besides, the State Institutes for Further Education offer Turkish language lessons to Turkish-Cypriot children, as well as Greek language lessons to children of repatriated Greek Cypriots. A bill has also been forwarded to the Council of Ministers to include the children of migrants from Pontus in the above category.

As regards the education of children of migrant workers, the principles of existing legislation are in line with the acquis and, in particular, provide for non-discrimination against children of foreign origin. In public schools, there are provisions for facilitating the reception of children of migrants and teaching them the local language (Greek). A special teacher training programme has been developed and is being carried out. The Ministry of Education and Culture also provides facilities for these children to learn their mother tongue and to become aware of their cultural identity.

Efforts are being made in the fields of education and research, so as to further knowledge of the culture, language and religion, of religious groups, for example by including more references about religious groups in school text books.

Non-discrimination and tolerance are promoted in public schools through the use of non-biassed textbooks. More specifically History, Civics (including Human Rights Education), Greek Literature, Philosophy and other curricula and textbooks:

- (a) present historical events from various points of view and in an objective manner
- (b) stress the fact that world culture is the result of collective human effort as well as the interdependence of people and their need to communicate and cooperate

- (c) train pupils to respect and protect other people's rights and personality and avoid dogmatism
- (d) promote brotherly relations between people of different ethnic origin as well as democratic values and respect for other cultures.

These promote the notion of living peacefully in a multicultural society and nurtures positive attitudes towards minorities and foreigners living among us.

Through the target theme of the school year 2001-02 'creativity within and outside the class and the joy of learning' there is a marked stress on alignment with the European orientations in education and the general European Dimension trends (Life long learning, relation between the world of learning and the labour market, cultural development, cooperative learning, development of interpersonal skills of communication, understanding and cooperation).

Within the framework of the Programme for Intercultural Education additional supporting periods are offered to groups of pupils needing support with literacy and learning in general. Help is also offered to pupils who belong to minority groups to enhance their personal, professional and social development. In general, all necessary measures are taken to meet their particular educational needs and facilitate their smooth integration into the new community.

The MOEC seeks to encompass foreign language speaking pupils into the Cyprus Education System without actually assimilating them. The target of the Education offered is to have diversified programmes of teaching Greek to children of repatriated Greek Cypriots and foreigners alike for a more effective communication and inclusion in society.

Conferences and seminars on multicultural education are conducted by the Career Guidance and Counseling Service, the Department of Educational Psychology, the Pedagogical Institute and the University of Cyprus. Cypriot pupils are familiarized with the values and the principles of other cultures, which enrich our own.

Contests and competitions seek to inform and sensitize pupils about the plight of the refugees worldwide.

Cyprus schools participate, in the Programme of International Education of the 'North-South' center of the council of Europe on the main issue of study of International Interdependence and solidarity.

The MOEC promotes exchanges and cooperate with schools abroad (The Europe at School Programme). Pupils and teachers communicate with their counterparts abroad get acquainted and exchange ideas on common interest issues thus promoting tolerance and mutual respect.

Health education has been part of the curriculum in public schools since the year 1992-93. It has been continuously reviewed and enriched. The promotion of this programme takes place at two levels. The first level is supervised by the Ministerial Committee and the second level through the actions of school-based Health Education committees, in which teachers and pupils are encouraged to participate. Based on the demands for the Health Education Programme the following activities have been launched:

- reconstruction of the formal curriculum,
- updating of the teaching staff in terms of INSET programmes on health issues,
- enrichment and upgrading of the content of all textbooks on health issues,
- health education has been promoted through the lessons of Biology, Natural Sciences, Home Economics, Civil Education and others. Generally public schools aim to raise awareness of both genders on issues of fitness and healthy lifestyle.

The right of religious groups or communities to set up and operate their own schools is safeguarded, and such schools are financially assisted by the State.

Higher Education is offered by the University of Cyprus to which admission is open to all, depending on examination results. The teaching languages of the University are Greek and Turkish.

Religious instructions of Maronite children who attend public schools, is taught by Maronite priests who receive a monthly stipend from the State in relation thereto.

With regard to the practice of religion there is definitely no discrimination in Cyprus. The Government offers financial assistance of about 76.000 CYP per year to churches of religious groups. Land, as well as public grants, have been offered for the construction of their churches and cemeteries. Grants

are also given by the State for repairs to existing churches and monasteries and salaries are paid to priests of religious groups.

The Ministry of Education and Culture subsidises cultural activities for all religious groups, which include book publishing, performances, libraries, etc.

Financial assistance is given to social and athletic clubs, which further helps in maintaining other elements of identity. For example, a new athletic stadium is being planned for the Maronite religious group. Also, an elementary school for the Maronites was established, whereas the Government supported financially the completion and operation of a Welfare Home “Saint Antonios”.

In addition to its serious political problem, Cyprus is currently experiencing the consequences of the mass migration into Cyprus of foreign workers immigrant workers and Greeks from the Pontus area. The MOEC applies measures to cope with the particular education needs of the minorities and their smooth accession to the new community.

The Cyprus state, whose people struggles for its own rights, protects the freedom and rights of all the members of its community against all forms of racism and exclusion. The rationale and orientations of in Cyprus education are equality of opportunities and free access to education for the all inhabitants of the island.

- Priorities regarding education for the next two years are as follows:
  - a. Relevant activities to be included in curricula
  - a. Opportunities for access of all children to the education system
  - b. Measures so that all residents of Cyprus can maintain their culture and languages.

In particular changes that are expected to be effected in the framework of the above actions concern the following:

- The content of education
  - curricula are adopted which take into consideration social changes, globalization and cultural differences

- communication is enhanced, and dialogue is promoted in the mother tongue and foreign languages
- the moral dimension of the scientific and technological progress is taken into consideration
- The Methods
  - methods of active learning are promoted
  - individuals are encouraged and prepared for future active citizenship
- The Teachers
  - teachers are trained to develop among their pupils conduct and values of solidarity, tolerance, respect of multiculturalism and ability of peaceful solutions to interclashes
  - the participation of teachers in decision making is facilitated
- Everyday School Life
  - an overall atmosphere of tolerance and respect is developed leading to democratization within the school
  - opportunities for the participation of pupils in decision making are offered
- Education Research
  - Research is conducted to define the term 'Learning to live together'
  - Research is conducted for the development of new didactic methods and new notions relevant to the above term

## Media

The Republic's Constitution safeguards the freedom of expression and the right to receive and impart information or ideas. Therefore, the media in Cyprus are able to function as free and independent institutions without intervention or control by any state authority.

Their freedom to criticize and expose malpractices, discriminatory policies or action and other abuses, should these occur, renders them watchdogs of human rights.

The 1989 Press Law safeguards the freedom of the press, the unhindered circulation of newspapers, the right of journalists not to disclose the sources of their information and access to official information. The effect of this is to check any tendency on the part of the authorities to abuse their power or overlook human rights principles.

Non-statutory guidelines have also been laid down and journalists are expected to exercise self-regulation. Cypriot journalists have their own Code of Conduct, and have set up a committee to monitor its implementation.

Under the 1998 Radio and Television Stations Law governing private radio stations and television channels, the audio-visual media are, among other things, prohibited from disseminating content that might incite hatred or encourage discrimination on account of race, gender, religion or nationality. The Cyprus Radio-Television Authority has overall responsibility for ensuring observation of the law and the right to impose sanctions where infringements occur.

The only non/private radio and television service is the Cyprus Broadcasting Corporation (CyBC), which is a state-funded public service broadcasting organization. It is administered by an independent Board who ensure that democratic and human rights values are upheld with respect to programme content.

The locally produced programmes are aimed at the Greek-speaking public who constitute 85% of the population, but the CyBC also broadcasts television news programmes in English and Turkish and a cultural programme in Turkish. There are, furthermore, programmes for Turkish, English and Armenian-speaking listeners on one of the radio channels.

Wide publicity is given by the mass media both to United Nations resolutions as well as to resolutions of other international organizations condemning racial and other forms of discrimination or intolerance. Decisions taken by the Committee Against Racial Discrimination are conveyed to the Press and Information Office, for dissemination to the media.

### **Employment**

The existing legislation, collective agreements and practices provide for equal treatment of every person in respect of employment. As from the middle 1990's a more flexible policy was adopted regarding the temporary employment of foreign workers, in order to alleviate the problem of labour shortages mainly in the sectors of tourism, construction, manufacturing and agriculture.

The general policy and practice of the Government of Cyprus is that migrant workers and their families should enjoy treatment not less favourable than that offered to nationals in matters of employment. All labour laws and regulations apply in the case of migrant workers, on equal footing with nationals. Exception is being made as regards employment in the public sector, where employment positions are mostly reserved for citizens of the Republic. Moreover, the Government of the Republic of Cyprus has ratified and implements fully I.L.O. Conventions Nos.111, 97 and 147 on Discrimination (Employment and Occupation), Migration for Employment (Revised) and Migrant Workers (Supplementary Provision) and Articles 1 and 19 of the European Social Charter of the Council of Europe, relating to the right of work and the right of migrant workers and their families to protection and assistance.

In addition in the field of employment the Manual of Operations of the Employment Service which operates on the basis of administrative arrangements, provides that "it is the policy of the Employment Service of Cyprus to serve impartially all employers and all job applicants without regard to race, religion, national origin, sex ."

Moreover a Decision of the Council of Ministers, setting out the policy as well as the criteria and procedures for the employment of foreign workers on a temporary basis, with a view to alleviating the problem of labour shortages, imposes, inter alia, an obligation on employers to provide to foreigners workers equal treatment with nationals regarding terms and conditions of employment.

In case of violation of their obligations, the employers are penalized and no work permits are granted to them in the future for the employment of foreign workers.

With a view to reinforcing the practical application of equality of opportunity and treatment of migrants in respect of their terms and conditions of employment, additional control procedures were adopted which include:

- (a) making it mandatory for local employers applying for a work permit, on behalf of a foreign worker, prior to his/her entry to submit a contract of employment specifying all terms and conditions of employment. The Ministry of Labour and Social Insurance then submits a relevant recommendation to the Ministry of Interior (Migration Department) which decides for the issue or not of the work permit;
- (b) periodical site visits by Officers of the District Employment Offices for examination of the conditions of employment of foreign workers; and
- (c) facility is given to have recourse to the competent authority (Ministry of Labour and Social Insurance) for submitting grievances before resorting to judicial bodies.

Children's rights are seriously taken into account. Thus, children may not be employed in the industrial sector below the age of 16. Labour inspectors enforce the provisions of the relevant law effectively.

Fair treatment of disabled persons in Cyprus remains ensured. They enjoy privileged access to the public sector as long as their qualifications are the same as those of other applicants.

### **Welfare**

The Department of Social Welfare Services identifies cases of physical and psychological violence against women which it handles through preventing and therapeutic programmes. It also provides residential accommodation and crisis relief to abused women and their children.

The Department organizes in-service training for social workers to enable them to detect and make early diagnosis of cases of violence within the family and provides them with other relevant support and assistance. It also

provides services to emergency cases during non-working hours through a system of social workers on call. Welfare officers have been appointed as family counselors with extended powers which enable them to act in a more effective manner.

### **Migration**

The Civil Registry and Migration Department deals mainly with the granting of Entry Permits and also Temporary Residence Permits to aliens (for visits, school attendance and employment). Moreover, it is the competent Department for determining the Cypriot Citizenship and granting the Cypriot Citizenship either by Registration or by Naturalization. This Department, in addition to the above activities, issues Cypriot Passports, Refugee Identity Cards as well as Voting Cards.

The Civil Registry and Migration Department, in its effort to improve and upgrade the services it provides to the public, has prepared an informative booklet, which informs citizens about the actions they have to take in order to be promptly served and for the protection of their rights. More specifically it provides information regarding the:

- Process for the issuing of Civil Identity Card and Refugee Identity Card
- Process of registration in the electoral list and issue of Voting Card
- Process for issuing of a Cyprus Passport
- process for the registration of persons of Cypriot origin as citizens of the Republic of Cyprus and for the granting of Cypriot Citizenship by Naturalization.
- Process for granting of Immigration Permit for settlement in the Republic of Cyprus
- Process for obtaining Entry Visa and Residence Permit by alien visitors
- Process for entry and residence of alien students/pupils for studies at Educational Institutions of Cyprus

- Process for the issuing and renewing of Temporary Residence and Work Permit for alien staff of International Business Companies
- Process for securing and renewing Residence and Work Permit by alien Workers and alien women employed as domestic assistants
- Process for securing Entry/Residence and Work Permit for alien performers, musicians, artistic ensembles.

### **Health**

Health care, is provided by institutions in the governmental and the private sector. The access to the governmental sector is free for the groups with a low income. It is worth mentioning that AIDS patients are entitled to free medical treatment in the governmental institutions.

The policy, which is followed by the Government ensures the equality in access to hospitals and other institutions of the Ministry of Health.

The National AIDS Programme is implemented in accordance with four guiding principles (listed below together with relevant strategies for the management and control of HIV/AIDS):

1. Prevention of sexual transmission of HIV based on:
  - (i) Promotion of abstinence, mutual faith, safe sexual practices and correct condom use.
  - (ii) Programmes in schools (peer education, lectures etc), general public, National Guard, Police Force, non governmental organizations and various other groups.
2. Prevention of transmission of HIV through blood and blood products through:
  - (i) Universal screening of blood donation.
  - (ii) Donor selection and counseling
3. Prevention of perinatal transmission of HIV through:
  - (i) Health education.
  - (ii) Screening and counseling of pregnant women.
  - (iii) Prenatal treatment with AZT for HIV-infected pregnant women.

4. Reduction of personal and social impact of HIV through provision of:
- (i) Free treatment against opportunistic conditions and antiretroviral treatment, for Cypriots.
  - (ii) Laboratory services for diagnosis and follow up, according to guideline of WHO.
  - (iii) Counseling – pre and post test: continuous to PWHIV/PWAIDS and their families, accessible to all people requesting support, from Cyprus or from abroad Social and financial support by the MoH and collaborating NGOs.
  - (iv) Education to the public for the avoidance of discrimination and the respect of human rights of PWHIV/PWAIDS and their families.

#### Health education

Health education is conducted:

- by traditional methods eg lectures, media programmes, special events, distribution of materials etc, addressing various groups of the population, mainly youth,
- by peer education conducted on a pilot basis in a small number of final year classes of secondary education,
- by special programmes in selected groups eg foreign bar girls, in co-operation with the Family Planning Association, youth of the Girl Guides Association, members of certain trade unions etc.

The emphasis in health education is:

- on behaviour change mainly in relation to sexual transmission of the virus, and includes information about abstinence and delayed sex, self assertiveness, safe sex and correct condom use,
- on the sensitization with regard to the social and personal aspects of the epidemic and its international perspectives,
- on the general aspects of the epidemic (eg the less frequent modes of transmission of the virus in Cyprus)

### Epidemiological monitoring

The epidemic is monitored primarily through the compilation and analysis of routinely reported data.

In addition, Unlinked Anonymous Sentinel Surveillance is conducted among:

- patients with sexually transmitted diseases,
- military recruits and
- other groups, as deemed relevant (eg in 1992 and 1993) group of people undergoing premarital testing for thalassemia were anonymously tested for HIV and none were positive).

### Youth

On the occasion of the European Conference and the World Conference Against Racism, Racial Discrimination, Xenophobia and related Intolerance, a number of anti-racism activities were organized by the Youth Board of Cyprus, with the financial support of the Government. These included a photographic exhibition, a camp for youth groups from Cyprus and abroad and anti-racism festival on the occasion of the International Day of Tolerance.

Cyprus participates in the E.U Programmes, directly or indirectly relevant to the fight against racism, namely «Youth» , «Socrates» and «Leonardo».

### Police

Regarding the role of the Police in protecting Human Rights emphasis is given on their duty of maintaining public order so that people can enjoy their rights and freedoms. Indeed, its role is the protection of life and property, the prevention and detection of crimes and the apprehension of offenders before justice. Furthermore, in order to take positive action to protect human rights, the police must respect human rights when carrying out their duties.

Towards this direction, the Chief of Cyprus Police decided to establish in 1998 a "Police Human Rights Office" and to appoint the Director of the Department of Research and Development as a "Police Coordinator for Human Rights Issues". Since then, monthly statistical data are collected from all Police Divisions concerning complaints against Police or by Police for ill-treatment as follows:

- (i) Complaints against Police for alleged violence/maltreatment of civilians, suspects, accused in criminal cases or prisoners, and
- (ii) alleged violence/maltreatment of police officers by civilians, suspects or persons in custody.

Moreover, Cyprus Police is working in close co-operation with Interpol, FBI, other European and International Law enforcement agencies and foreign Police Liaison Officers stationed in the country, for the collection and exchange of information and data on the various forms of crime, including trafficking and exploitation of human beings. It is, also, in the process of signing a bilateral agreement with Europol for the improvement of the collaboration on these matters. Cyprus Police is also in the process of setting up a computerized data base on cases of sexual exploitation of children.

Special educational programmes, seminars and lectures on human rights are offered by the Cyprus Police Academy, underlining equal treatment for all the people, natives and foreigners. These lectures are given by University Professors, the Attorney General, Law Officers and qualified Senior Police Officers. Similar lectures are also given in all regional Police Divisions.

In addition, during the initial and in service training, police officers are taught and trained in using modern investigation techniques. They are also instructed to interrogate and obtain statements from suspects according to the provisions of the Criminal Procedure Law (Cap.155), Judges' Rules (directions for the proper investigation of suspects issued by the Home Office of the United Kingdom and hitherto applicable in Cyprus).

Besides, circular letters are sent by the Minister of Justice and Public Order, as well as the Chief of Police, directed to Police Divisional/Departmental and Unit Commanders, instructing them and their Officers to respect Human Rights during arrest, interrogation and detention of suspects and that they must always exercise particular attention to the Constitution of the Republic, the International Conventions, safeguarding Human Rights and the Laws of Cyprus.

Also, efforts have been intensified towards the systematic specialized training of the members of the Police and other professionals in handling domestic violence cases. Since 1997, 174 police officers have attended weekly seminars in Cyprus and abroad. For the purposes of implementing the provisions of the new Law on Violence in the Family (No.119(I)/2000) which inter alia provide for the possibility of the use of audio-visual

equipment in the taking of evidence for the victims of violence, specialized training programmes, have been organized in the Police Academy, to train a group of police officers (men and women), on how to interview when gathering video evidence from women and children who have been abused.

In collaboration with the British Council, the Ministry of Justice and Public Order invited the British experts in domestic violence issues Jane McGill and Jial Faulkner for training purposes, which took place at the Police Academy between October 10 and 20, 1999.

In the year 2000, two more seminars took place in order to enable members of the police force to deal more effectively with cases of domestic violence. The first one was conducted under the supervision of Prof. Marco Turk in September. The second one was on domestic violence victims' testimonies and was conducted by Jane McGill in December. Jane McGill conducted another seminar in December 2001.

Particularly, the Police Academy provides general sensitization to all its trainees and at the same time courses reinforced with the presence of specialists from abroad are offered to a selected group of police women and men who eventually will become specialized. These Police officers will be appointed in selected Police stations in every other district to offer their knowledge and experience, on a 24 hour basis, to the victims of domestic violence and in the handling of similar cases.

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 the C.P.T (The Committee for the Prevention of Torture) Standing Orders, which were distributed to all police officers and to the public.

Cyprus Police continues to apply the Council of Europe Programme "Police and Human Rights Beyond 2000" with numerous activities. Among other things, the "Police Human Rights Office" have translated into Greek the following Publications of the Council of Europe, regarding Human Rights, which are expected to be published and distributed to all members of the Police, very soon.

1. "Discussion Tools – A Police and Human Rights Training Manual".

2. "A pamphlet for Police Human Rights and their Protection under International Law".

Furthermore, Cyprus Police have adopted and applied the Recommendation of the Council of Europe on the "European Code of Police Ethics" and is in the process of translating into Greek the "Recommendation (2001) 10 adopted by the Committee of Ministers of the Council of Europe on 19 September 2001 and Explanatory Memorandum on the European Code of Police Ethics".

Additionally, members of the Cyprus Police participate in International Conferences and Seminars on Human Rights in Cyprus and abroad.

Cyprus Police is well aware that any person is entitled to human rights and that these rights are "Inalienable" and no one has the right to violate them. In protecting and respecting human rights, police officials are turning values into practice. International co-operation (exchange of information, use of new technologies, policing techniques e.t.c.) and sharing of experiences can offer a great assistance to all police organizations to ensure that their structures and practice meet international standards of good policing.

It is certain that Cyprus Police are eager and willing to work with, co-operate and assist in any way other Police Organizations all over the world in protecting Human Rights.

Finally, it is noted that in February 2002, due to an investigation launched by the parliamentary Human Rights Committee, public attention was drawn to the fact that mentally handicapped suspects were not subject to any special treatment. It was agreed between deputies and police representatives that pre-trial detention in prison should be avoided for people with special needs.

### **Judiciary**

The Supreme Court has established on a permanent basis a programme for the training of judges of first instance courts. In accordance with this programme, judges of subordinate courts will receive on a regular basis training, in various fields of the law and matters relevant, from a broader perspective to the administration of justice. Amongst others, the subjects of training include:

1. Human Rights with particular reference to Cyprus case law and European Court of Human Rights case law.

2. European Law with particular reference to International Conventions.
3. Conduct of Judges with emphasis on psychology of witnesses and advocates, rules of etiquette, behaviour towards the public and advocates and study of various social phenomena.
4. Family Court Judges' training on matters relating to dealing with children and social matters relating to personal status.

In 2003 a study visit of Cypriot Judges to the European Court of Justice will be organized.

## CHAPTER IV

### ACTION PLAN

For further development of the existing legislation and structures, the Government of Cyprus adopted, in the light of the conclusions of the European and World Conferences against Racism, the following priorities:

#### Priorities

- Ratification of the Optional Protocol to the Convention on the Elimination of all forms of Discrimination against Women.  
Responsible authority: Ministry of Justice and Public Order  
Envisage date for introduction: first half of 2002.<sup>1</sup>
- Ratification of the Rome Statute of the International Criminal Court, 1998.  
Responsible authority: Ministry of Justice and Public Order  
Envisage date for introduction: first half of 2002.<sup>2</sup>
- Ratification of the U.N. Convention against Transnational Organized Crime and its three Protocols.  
Responsible authority: Ministry of Justice and Public Order  
Envisage date for introduction: first half of 2002.<sup>3</sup>
- Ratification of 12th Protocol to the ECHR.  
Responsible authority: Ministry of Justice and Public Order  
Envisage date for introduction: first half of 2002.<sup>4</sup>
- Further amendment of the Ratification Law of the U.N. Convention on the Elimination of All Forms of Racial Discrimination, for better and more complete implementation of the Convention.  
Responsible authority: Ministry of Justice and Public Order.  
Envisage date for introduction: Second half of 2002.<sup>5</sup>

- Notes:
- <sup>1</sup> The ratification bill was enacted into law, on 1/3/2002 (Rat. Law No.1(III)/2002)
  - <sup>2</sup> The ratification bill was enacted into law, on 11/3/2002 (Rat. Law No.8(III)/2002)
  - <sup>3</sup> The ratification bill was enacted into law on 21/3/2003 (Rat. Law No.11(III)/2003).
  - <sup>4</sup> The ratification bill was enacted into law, on 19/4/2002 (Rat. Law No.13(III)/2002)
  - <sup>5</sup> An ad-hoc Committee under the Presidency of the Law Commissioner is working on the drafting of the relevant amendment bill.

- Introduction of legal aid scheme, for proceedings both before civil and criminal courts regarding cases in respect of violation of human rights.  
Responsible authority: Ministry of Justice and Public Order.  
Envisage date for introduction: First half of 2002.<sup>6</sup>
- Ratification of the UN Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages.  
Responsible authority: Ministry of Justice and Public Order.  
Envisage date for introduction: First half of 2002.<sup>7</sup>
- Deposition of the ratification instrument of the European Charter for Regional or Minority Languages which Cyprus has ratified (Law No.39(III)/93 refers) but it is not yet operational.  
Responsible authority: Ministry of Foreign Affairs.  
Envisage date for introduction: End of 2002.<sup>8</sup>
- The establishment of an Equality Committee which will deal with issues relating to access to employment, vocational training, promotion, equal pay and conditions of employment.  
Responsible authority: Ministry of Labour and Social Insurance.  
Envisage date for introduction: End of 2002.<sup>9</sup>
- Amendments to the existing equal pay legislation safeguarding the right of equal pay for work which is of “like or substantially like nature” to cover work of equal value of “unlike nature” as well. Also Regulations aiming at facilitating the effective application of the legislation, will be implemented, defining the powers of the inspectors, the composition and the terms of reference of the Technical Committee which will assist the Industrial Disputes Court in determining work of equal value, and the criteria which will be applied for comparison purposes.  
Responsible authority: Ministry of Labour and Social Insurance.  
Envisage date for introduction: End of 2002.<sup>10</sup>

- Notes:
- <sup>6</sup> The relevant bill was enacted into law, on 9/8/2002 (Law No. 165(I)/2002).
  - <sup>7</sup> The ratification bill was enacted into law, on 21/6/2002 (Rat. Law. No. 16(III)/2002).
  - <sup>8</sup> The European Charter for Regional or Minority Languages entered into force for Cyprus on 1/12/2002.
  - <sup>9</sup> The bill was enacted into Law on 6/12/2000 (Law No. 205(I)/2002).
  - <sup>10</sup> The bill was enacted into Law on 12/9/2002 (Law No. 177(I)/2002).

- Amendment of the Maternity Protection Law for full compliance with E.U. Directive 92/85/EEC, which gives the right to a pregnant woman to be absent from her job without losing her wages.  
Responsible authority: Ministry of Labour and Social Insurance.  
Envisage date for introduction: End of 2002.<sup>11</sup>
- Introduction of Regulations under the existing Safety and Health at Work Law, for compliance with the Directive 91/383/EEC on the safety of workers with a fixed duration or temporary employment relationships.  
Responsible authority: Ministry of Labour and Social Insurance.  
Envisage date for introduction: End of 2002.<sup>12</sup>
- Amendment of the Termination of Employment Law and enactment of new legislation for full compliance with the E.U Directive 97/81/EC concerning part-time work.  
Responsible authority: Ministry of Labour and Social Insurance.  
Envisage date for introduction: End of 2002.<sup>13</sup>
- Amendment of the Social Insurance legislation for the abolition of discriminatory provisions concerning the right to voluntary insurance.  
Responsible authority: Ministry of Labour and Social Insurance.  
Envisage date for introduction: End of 2002.<sup>14</sup>
- New law, transposing Directives 76/207/EEC "on equal treatment for men and women in employment, vocational training and promotion and working conditions".  
Responsible authority: Ministry of Labour and Social Insurance.  
Envisage date for introduction: End of 2002.<sup>15</sup>
- Replacement and modernization of marriages legislation. New comprehensive legislation is being drafted by the Ministry of Interior, aiming at replacing the Civil Marriage Law (No.21/90, as amended) and Marriage Law (Cap.279, as amended).  
Responsible authority: Ministry of Interior  
Envisage date for introduction: First half of 2003.<sup>16</sup>

- Notes:
- <sup>11</sup> The bill was enacted into Law on 31/5/2002 (Law No. 64(I)/2002).
  - <sup>12</sup> The Regulations were enacted by ΚΑΠ 184/2002.
  - <sup>13</sup> The bill was enacted into Law on 23/5/2002 (Law No. 79(I)/2002).
  - <sup>14</sup> The bill was enacted into Law on July 2002 (Law No. 130(I)/2002).
  - <sup>15</sup> The bill was enacted into Law on 6/12/2002 (Law No. 205(I)/2002).
  - <sup>16</sup> The bill has been deposited to the House of Representatives but it has not as yet been approved.

- Amendment to the Elections Law, that will give the right to citizens of the Republic of Cyprus, which are members of the Turkish/Cypriot Community and are residing in the area controlled by the Government of the Republic of Cyprus, to elect at Municipal and Communal Elections.  
 Responsible authority: Ministry of Interior  
 Envisage date for introduction: First half of 2003.<sup>17</sup>
- Amendment to the Aliens and Immigration Law for full compliance with the relevant EU Directives, Resolutions, Conclusions, Principles and Recommendations.  
 Responsible authority: Ministry of Interior  
 Envisage date for introduction: Second half of 2003.<sup>18</sup>
- Amendment to the Refugee Law (No. 6(I)/2000) as regards the definition of manifestly unfounded applications and other amendments.  
 Responsible authority: Ministry of Interior  
 Envisage date for introduction: First half of 2003.<sup>19</sup>
- Introduction of legislation concerning Cybercrime.  
 Responsible authority: The Ministry of Justice and Public Order.  
 Envisage date for introduction: First half of 2004.
- New legislation for full compliance with Council Directive No. 2000/43/EC on establishing the principle of equal treatment between persons irrespective of racial or ethnic origin.  
 Responsible authority: The Ministry of Justice and Public Order.  
 Envisage date for introduction: First half of 2004.
- New legislation for full compliance with Council Directive No. 2000/78/EC on establishing a general framework for equal treatment in employment and occupation.  
 Responsible authority: The Ministry of Labour and Social Insurance.  
 Envisage date for introduction: First half of 2004.

- Notes:
- <sup>17</sup> **A bill amending the Elections Law has already been deposited to the House of Representatives, but it has not, as yet, been approved.**
  - <sup>18</sup> **The Aliens and Immigration Law has been amended several times, so far. Of course, this is an on going process.**
  - <sup>19</sup> **The drafting of the relevant amendments was completed and will be submitted to the Council of Ministers for approval.**

- An awareness-raising Seminar in Cyprus on the Implementation of the two Racism Directives Nos. 2000/43/EC and 2000/78/EC, issued by the Council of the E.U.  
 Responsible authority: The Ministry of Justice and Public Order.  
 Envisage date for introduction: 25 June 2003.
  
- Two editions on Racism to be published and distributed widely to the public and to all key actors involved (English and Greek version).  
 Responsible authority: Ministry of Justice and Public Order.  
 Envisage date for introduction: First half of 2003.

### **Implementation and enforcement of the Plan of Action**

A Ministerial Committee, consisting of the Ministers of Justice and Public Order, Foreign Affairs, Interior, Labour of Social Insurance and Education and Culture, was appointed to monitor the Plan of Action, with a view to assessing its impact and effectiveness.

The Attorney-General of the Republic, the Commissioner for Administration, the Presidential Commissioner for Religious Groups and the President of the National Organization for the Protection of Human Rights (Independent Officers), participate in the Committee, as advisors.

An ad-hoc Committee consisting of representatives from the Law Office, the Commissioner for Administration, the Presidential Commissioner for Religious Groups and all other Key Actors (Ministries – Governmental Departments and NGO's) assists the work of the Ministerial Committee.

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.

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