

REPORT OF THE REPUBLIC OF CYPRUS AGAINST DISCRIMINATION IN THE FIELDS OF THE EUROPEAN UNION ACQUIS

POLICY AND MEASURES AGAINST DISCRIMINATION



NICOSIA – JUNE 2003

**REPORT OF THE REPUBLIC OF CYPRUS
AGAINST DISCRIMINATION IN THE FIELDS
OF THE EUROPEAN UNION ACQUIS**

**POLICY AND MEASURES
AGAINST DISCRIMINATION**

NICOSIA – JUNE 2003

- * *Edited by the Ministry of Justice and Public Order*
- * *Written by the Ministries of Justice and Public Order, Labour and Social Insurance, Interior, Health, Education and Culture and the Law Office of the Republic.*
- * *Printed by the Government Printing Office*

ISBN 9963-30-003-0

INDEX

1. INTRODUCTION
2. PART I – CONSTITUTIONAL INTERNATIONAL AND PENAL PROTECTION
 - Constitutional Protection
 - International Protection
 - Penal Protection
3. PART II – DOMESTIC AND INTERNATIONAL RECOURSES
 - Domestic Recourses
 - i. Right to submit written applications or complains to the Authorities
 - ii. Judicial Recourses
 - International Recourses
4. PART III – SPECIFIC FIELDS – LEGISLATION POLICY AND MEASURES

- Employment
- Access to Goods and Welfare Services
- Foreign Workers
- Disability
- Education
- Housing
- Acquisition of Immovable Property
- Health
- Racial or Ethnic Discrimination
- Religion and Belief

5. PART IV – BODIES / AUTHORITIES

6. ANNEXES

ABBREVIATIONS

Article:	Article of the Constitution
C.E.R.D.:	Convention on the Elimination of all forms of Racial Discrimination
C.G.S.S.:	Career Guidance and Counseling Service
Constitution:	Constitution of the Republic of Cyprus
Council:	Council of the European Union
E.C.:	European Community
E.U.:	European Union
H.P.B.:	Housing Policy body
I.L.O.:	international Labour Organization
No.:	Number
P.A.C.:	Permanent Advisory Committee
P.C.:	Penal Code
P.C.C.:	Permanent Consultant Committee
U.N.:	United Nations

UNESCO: United Nations

INTRODUCTION

The European Union is based on the principles of liberty, democracy and respect of human rights and fundamental freedoms and the rule of law, principles which are common to all its member states.

The protection and support of the fundamental rights of the European citizens and the citizens of third countries who legally reside within the Union consist basic goals of the Union and reflect its policies.

Initially the action and policy of the European Community to combat discrimination were concentrated on the fight against discrimination on grounds of gender and nationality, especially in the labour market field. At the Amsterdam Summit in 1997, the Heads of State and Government of the 15 Member States took a number of highly significant steps to reinforce the commitment of the Union to support and protect the fundamental rights of its citizens.

The Treaty which emerged from the summit enabled the Community to combat discrimination on a wider range of grounds than ever before – racial and ethnic origin, religion and belief, disability, age and sexual orientation – and in areas outside employment.

Article 12 of the Treaty Establishing the European Community provides for non-discrimination based on nationality of the citizens irrespective of the country of origin from a member state or from a third country. Article 13 of the Treaty EC expands this principle and provides the following:

“Without prejudice to the other provisions of this Treaty and within the limits of the powers conferred by it upon the Community, the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.”

For the implementation of the afore mentioned new powers, the Council adopted:

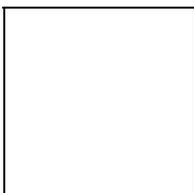
- Directive No. 2000/43/EC¹, prohibiting racial and ethnic discrimination in employment, education, social security and health care, access to goods and services and housing.
- Directive No. 2000/78/EC², prohibiting discrimination in employment on grounds of religion and belief, disability, age and sexual orientation.
- The Community Action Programme to Combat Discrimination (2001-2006)³, to promote the study of discrimination and exchanges of experience and good practice between the Member States.

Within the framework of the harmonization process of the domestic Cyprus' legislation with the *acquis communautaire* of the Union the Ministries of Justice and Public Order and Labour and Social Insurance, in collaboration with the Law Office of the Republic, have undertaken the responsibility to adjust or supplement the existing legislation so as by the date of accession to be fully aligned with the *acquis* of the Union.

This Report aims at highlighting the Cyprus' situation (legislation, recourses, measures, policies and bodies against discrimination) in the main fields of the two directives of the Council on non discrimination. Part I of the Report refers, generally, to the constitutional, international and penal protection provided to the victims of discrimination on all fields covered by it. Part II of the Report refers to the recourses provided to victims of discrimination (domestically and internationally). Part III of the Report covers briefly the existing policy, measures and legislation of Cyprus in the main fields covered by the two directives of the Council. Part IV of the Report refers briefly to the existing bodies / authorities which contribute to the protection and/or support of the fundamental human rights.

PART II

CONSTITUTIONAL INTERNATIONAL AND PENAL PROTECTION

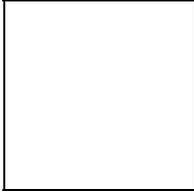


Constitutional Protection

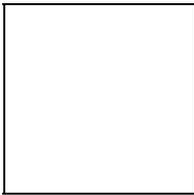
¹ See Appendix I.

² See Appendix II.

³ See Appendix III.



The legal system of Cyprus safeguards the provision of the necessary legal protection for persons claiming to be victims of any kind of discrimination and provides for effective remedies / recourses (administrative and judicial). The fundamental rights and liberties of the citizens and the remedies provided for their effective implementation are defined in the Constitution of Cyprus which incorporates and in some instances expands upon the rights and liberties safeguarded by the European Convention for the Protection of Human Rights and Fundamental Freedoms.



All these rights are safeguarded to all persons 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.

Article 28.1⁴ 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.

Article 28.2⁵ affords the right to every person to enjoy the said rights and liberties without any direct or indirect discrimination on the grounds of the person's "community, race, religion, language, sex, political or other convictions, national or social descent, birth, colour, wealth, social class or on any ground whatsoever, unless there is express provision to the contrary in the Constitution".

The Supreme Court of Cyprus interpreted and enforced effectively and in many cases the principle of equality. The Court recognized that the constitutional provision aimed at the effective enjoyment of legal, financial and social rights both from the legal and the practical point of view. Consequently the precede of the Supreme Court confirms that the Constitution demands not only typical but substantial equality and approaches the discriminatory cases with the same manner with that of the European Court of Justice, within the light of the European Union Law.

⁴ Article 28(1) 1. "All persons are equal before the law, the administration and justice and are entitled to equal protection thereof and treatment thereby.

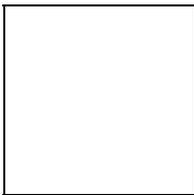
⁵ Article 28(1) 2. Every person shall enjoy all the rights and liberties provided for in this Constitution without any direct or indirect discrimination against any person on the ground of his community, race, religion, language, sex, political or other convictions, national or social descent, birth, colour, wealth, social class, or on any ground whatsoever, unless there is express provision to the contrary in this Constitution. 3. No citizen shall be entitled to use or enjoy any privilege of any title of nobility or of social distinction within the territorial limits of the Republic. 4. No title or nobility or other social distinction shall be conferred by or recognized in the Republic".

Article 6⁶ of the Constitution provides that no law or decision of the House of Representatives and no act or decision of any organ, authority or person in the Republic exercising executive power or administrative functions, shall discriminate against any person.

Article 35⁷ 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 fundamental rights and liberties.

Section 2 of Article 179⁸, imposes the legislative, 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.

Article 30.1⁹ of the Constitution safeguards to all persons the right of access to justice. Article 30.2 safeguards the right of fair and public hearing within a reasonable time by an independent, impartial and competent court established by law. Section 3 of the same Article defines the minimum rights and obligations of a person in civil and criminal proceedings.



International Protection

Cyprus has ratified or signed most international conventions and/or protocols 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 discrimination. These conventions / protocols and their ratification laws are listed in Annex IV¹⁰ of the

⁶ Article 6 “Subject to the express provisions of this Constitution no law or decision of the House of Representatives or of any of the Communal Chambers, and no act or decision of any organ, authority or person in the Republic exercising executive power or administrative functions, shall discriminate against any of the two Communities or any person as a person or by virtue of being a member of a Community”.

⁷ Article 35 “The legislative executive and judicial authorities of the Republic shall be bound to secure, within the limits of their respective competence, the efficient application of the provisions of this Part”.

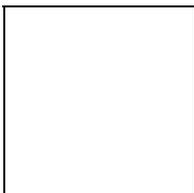
⁸ Article 179(2) “No law or decision of the House of Representatives or of any of the Communal Chambers and no act or decision of any organ, authority or person in the Republic exercising executive power or any administrative function shall in any way be repugnant to, or inconsistent with, any of the provisions of this Constitution”.

⁹ Article 30.1. “No person shall be denied access to the court assigned to him by or under this Constitution. The establishment of judicial committees or exceptional courts under any name whatsoever is prohibited. 2. In the determination of his civil rights and obligations or of any criminal charge against him, every person is entitled to a fair and public hearing within a reasonable time by an independent, impartial and competent court established by law..... 3. Every person has the right (a) to be informed of the reasons why he is required to appear before the court; (b) to present his case before the court and to have sufficient time necessary for its preparation; (c) to adduce or cause to be adduced his evidence and to examine witnesses according to law; (d) to have a lawyer of his own choice and to have free legal assistance where the interests of justice so require and as provided by law; (e) to have free assistance of an interpreter if he cannot understand or speak the language used in court”.

¹⁰ See Annex IV of the Report.

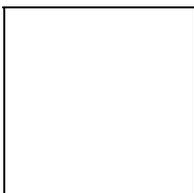
Report. The International Convention on the Elimination of All Forms of Racial Discrimination and Protocol 12 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, are included in the list.

By virtue of the express provisions of Article 169¹¹ of the Constitution, all 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.



Penal Protection

Following the ratification of the United Nations Convention on the Elimination of All Forms of Racial Discrimination, by Ratification Law No. 13/67, Cyprus has amended the said Ratification Law in 1992 (by Law No. 11(III)/92) so as to create a number of criminal offences relating to discrimination. (Article 2A of the Law)¹².



In addition to the aforementioned protection, provisions in other specific laws, mentioned in Part III of the Report, offer also protection for persons belonging to vulnerable groups against discrimination.

¹¹ Article 169(3) "Treaties, conventions and agreements concluded in accordance with the foregoing provisions of this Article shall have, as from their publication in the official Gazette of the Republic, superior force to any municipal law on condition that such treaties, conventions and agreements are applied by the other party thereto".

¹² «Article 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).

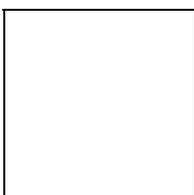
(3) Any person who in public either orally or through the press or by means of any documents or pictures or by any other means, expresses ideas insulting against any person or group of persons by reason of their racial or ethnic origin or their religion is guilty of an offence and is liable to imprisonment 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.»

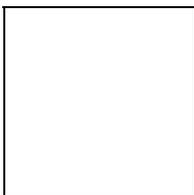
This section has been involved in criminal case No. 31330/99 dated 12 December 2001 and the accused was actually convicted under subsection (4), where a term of imprisonment was imposed.

PART III

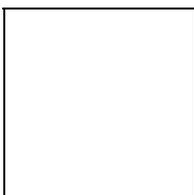
RECOURSES ACCORDING TO MUNICIPAL AND INTERNATIONAL LAW



Recourses according to municipal law



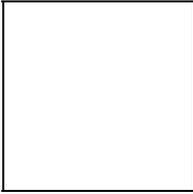
Right to address written requests or complaints to Authorities



Article 29¹³ of the Constitution affords to all persons the right to address written requests or complaints to any competent public authority and to have them attended to and decided expeditiously. A duly reasoned decision should be given in written to the person making the request or complaint within a period not exceeding thirty days.

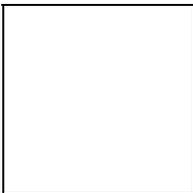
Thus, anyone who claims to be a victim of discrimination from a decision of a public authority may, as a first step, recourse to the competent authority by submitting an application. If the application is refused, he or she may apply to a competent court.

¹³ Article 29 «1. Every person has the right individually or jointly with others to address written requests or complaints to any competent public authority and to have them attended to and decided expeditiously; an immediate notice of any such decision taken duly reasoned shall be given to the person making the request or complaint and in any event within a period not exceeding thirty days. 2. Where any interested person is aggrieved by any such decision or where no such decision is notified to such person within the period specified in paragraph 1 of this Article, such person may have recourse to a competent court in the matter of such request or complaint».



Judicial Recourses

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 146¹⁴ 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.

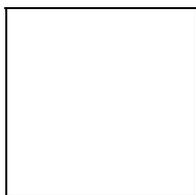


In addition to legal proceedings that can be brought directly as above before the Supreme Court of Cyprus, for the specific purpose of obtaining a

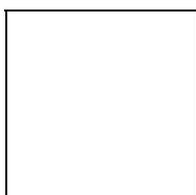
¹⁴ Article 146 «1. The Supreme Constitutional Court shall have exclusive jurisdiction to adjudicate finally on a recourse made to it on a complaint that a decision, an act or omission of any organ, authority or person, exercising any executive or administrative authority is contrary to any of the provisions of this Constitution or of any law or is made in excess or in abuse of powers vested in such organ or authority or person. 2. Such a recourse may be made by a person whose any existing legitimate interest, which he has either as a person or by virtue of being a member of a Community, is adversely and directly affected by such decision or act or omission. 3. Such a recourse shall be made within seventy-five days of the date when the decision or act was published or, if not published and in the case of an omission, when it came to the knowledge of the person making the recourse. 4. Upon such a recourse the Court may, by its decision- (a) confirm either in whole or in part, such decision or act or omission; or (b) declare, either in whole or in part, such decision or act to be null; and void and of no effect whatsoever; or (c) declare that such omission, either in whole or in part, ought not to have been made and that whatever has been omitted should have been performed. 5. Any decision given under paragraph 4 of this Article shall be binding on all courts and all organs or authorities in the Republic and shall be given effect to any acted upon by the organ or authority or person concerned. 6. Any person aggrieved by any decision or act declared to be void under paragraph 4 of this Article or by any omission declared there under that it ought not to have been made shall be entitled, if his claim is not met to his satisfaction by the organ, authority or person concerned, to institute legal proceedings in a court for the recovery of damages or for being granted other remedy and to recover just and equitable damages to be assessed by the court or to be granted such other just and equitable remedy as such court is empowered to grant.»

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.

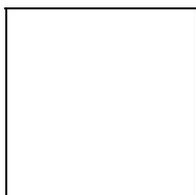
In other cases, where the alleged infringement of the right in question does not emanate from an administrative act, decision or omission impeachable as above by recourse for annulment, the complainant may have a cause of action in tort, which he/she may pursue by means of a civil action. Such a civil 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.



Recourses according to International Law

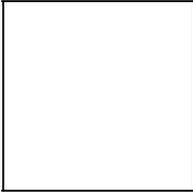


Free exercise and protection of civil, political and other human rights within the ambit guaranteed by the Constitution and international legal instruments is secured through the availability of effective remedies, at national level, through Court proceedings or other channels, and through the enactment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



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

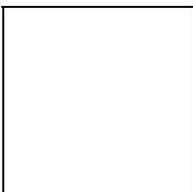
Human Rights, the (First) Optional Protocol to the International Covenant on Civil and Political Rights, and the International Convention against Torture, and other Cruel, Inhuman or Degrading Treatment or Punishment.



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.

PART III

LEGISLATION POLICY AND MEASURES ON SPECIFIC FIELDS



Employment

Basic goal of the government policy and in particular of the Ministry of Labour and Insurance is the enforcement of the principle of equality on employment to any person irrespective of its nationality, gender, age, religion or special needs.

This principle is safeguarded by the necessary legal framework consisted of:

- a number of international conventions ratified by the Government of Cyprus
- labour legislation, and
- administrative directives / orders concerning the operation of the Public Employment Services.

In the field of equal treatment in employment the Government of Cyprus has ratified the following international conventions:

- The Revised European Social Charter.
- The U.N. Convention on the Elimination of all forms of Racial Discrimination against Women.

- The I.L.O. Convention No. 100 on Equal Pay between Men and Women for Work of Equal Value.
- The I.L.O. Convention No. 122 on Employment Policy.
- The I.L.O. Convention No. 142 on Development of Human Dynamic.

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.”

Recent enactment of new laws and/or amendments to existing legislation created the necessary legal frame for the implementation of the principle of Equal Treatment in Employment.

(a) Law No. 58(I) of 2004 on Equal Treatment in Employment and Occupation:

- **Prohibits any direct or indirect discrimination, harassment or instruction to apply discriminatory treatment on the grounds of race or ethnic origin, religion or belief, age or sexual orientation as regards access to employment, vocational guidance/training, working conditions and the terms of employment as well as the capacity of the member in a workers or employees organisations.**
- **Allows for more favourable treatment in employment aiming at the prevention or compensation for disadvantages.**

(b) Law No. 205(I) of 2002 on Equal Treatment Between Men and Women in Employment and Vocational Training:

- Safeguards the implementation of the principle of equal treatment among men and women in employment, vocational training, promotion, working conditions, access and exercise of free professions.
- Safeguards the protection of women from any direct or indirect discrimination due to pregnancy, delivery, breastfeeding, maternity or sickness to pregnancy or delivery.
- Permits the adoption of positive measures aiming at complete and substantial equality among men and women.
- Criminalizes the sexual harassment, and
- Provides for judicial and extra-judicial protection in case of violation of the provisions of the Law.

An important provision of this Law provides for the establishment of an advisory Equality Committee, consisting of three members.

In addition, **for full harmonisation with European Acquis on the subject** the following laws have been enacted:

- **Law No. 107(I) of 2002 on the Abolition of Employment of Women during the Night Law, Cap. 180.**
- **Law No. 22(III) of 2002 on the Abolition of the 1965 ratification of the ILO Night Work (Women) Revised Convention No. 98. Law No. 21(III) of 2002 on the Abolition of the 1993 ratification Law of the ILO Protocol of 1990 to the Night Work (Women) Revised Convention No. 89.**
- *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) provides, among others, the right to maternity leave for women who are pregnant/gave birth or who have adopted a child less than 12 years of age. It also, provides for time off for medical examinations, breastfeeding or/and for the increased care for the upraising of the child.**

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 breast-feeding. 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.

▪ Access to Welfare Services

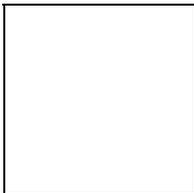
Legislation, policies and programmes of the Social Welfare Services safeguard equal treatment and access to goods and services to all person residing legally within the Republic of Cyprus without making any discrimination based on race, ethnic, nationality or religion.

Some examples and given below:

1. The Public Assistance and Services No. 8 of 1991 safeguards the right to all persons legally residing in Cyprus to enjoy minimum basic standards of living. It also provides for financial support, social services (e.g. housing or institutional care etc). Minimum standards of living covers basic needs such as food, clothing, shoes, water supply, fuel, electricity, housing etc).

All recipients of public assistance have the right of free medical treatment in the institutions of the public sector.

2. According to the Children's Law (Cap. 352) the Director of Social Welfare Services has the right to undertake the care and protection of children (without any discrimination) in cases where the parents abandon their children or they are not in a position to perform their parental responsibilities and there is no other person within the family to environment to take the role of a parent or a guardian.
3. The Social Welfare Services provide prevention services to families that face serious problems (such as consultancy and support services) guardian services to persons with behaviour, right care to dependent persons (e.g. children, old people, persons with disability), house care to persons in need. There is no discrimination as regards access or provision of these services).
4. The Social Welfare Services provide technical and financial support to non-government organizations that provide social or other support services to families. There is no discrimination as regards participation to these programmes and services based on race, ethnic, nationality or religion.



Foreign Workers

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.

Disability

The policy of the Ministry of Labour and Social Insurance as regards **to the** care of disabled persons is based on the principles and values of the United Nations Organisation, of the International Labour Organisation, of the Council of Europe and of the European Union.

The main aspects of this policy are based on the principles of equal opportunities, equal treatment, combating discrimination against persons with disabilities and safeguarding the right of an independent living and full access to social and economic life of the country.

In addition to the ratification of the major International Conventions, in particular article 15 of the European Social Charter concerning the right of persons with **disabilities to independence, social integration and participation in the life of the community** and the Convention No. 159 of the I.L.O. Vocational Rehabilitation and Employment of disabled persons, the Ministry of Labour and Social Insurance enforces the following laws:

- **Law providing for the Protection of the Mentally Retarded Persons 1989 (L. 117/89)**
- **Law providing for the Provident Lottery Fund (L. 79(I)/92)**
Regulations providing for the Provident Lottery Fund (R.179/94)
- **Law providing for Persons with Disabilities (L. 127(I)/2000)**
- **Law for the establishment of Special Fund for the Centre for the Vocational Rehabilitation of the Disabled (L. 103(I)/2000)**
- **The Amendment Law Providing for Persons with Disabilities (L. 57(I)/2004)**

The Law **providing for** Persons with Disabilities (L. 127(I)/2000) safeguards, for the first time, the rights of persons with disabilities providing equal opportunities for inclusion and participation in the social and economic life of the country.

The Law, among others, **takes** into consideration the Standard Regulations of the U.N. concerning equal opportunities for persons with disabilities, follows the International Declarations and Standards, gives emphasis to the principle of non-discrimination and equal treatment and includes provisions which promote full participation of disabled persons to the society.

The term “disability” as defined in the Law, **means with respect to a person, any type of limitation or handicap which causes permanent or, of indefinite duration physical, mental or psychological impairment.**

The Law safeguards, among others:

- the basic rights of the persons with disabilities for independent life, full integration within the society and equal participation in economic and social life of the country;
- equal treatment of the persons with disabilities in the field of employment as regards to recruitment, promotion, vocational rehabilitation within the enterprise, special protection in cases of termination of employment etc;
- equal treatment of persons with disabilities with other citizens of the Republic as regards to provision of goods, facilities or services;

- transport of persons with disabilities, and
- service and/or information through telecommunication and television means.

An important provision of this Law is the establishment of an advisory body, namely “the Pancyprian Council for Persons with Disabilities”, which is under the presidency of the Minister of Labour and Social Insurance and participate representatives from all relevant **governmental departments, social partners, organisations of the persons with disabilities and two independent persons who are assigned by the Minister.**

Among others, the Council may:

- advice for the determination/revision of the national policy on matters of disability;
- submit suggestions for the introduction/revision of the relevant legislation;
- coordinate and guideline, non-governmental activities on the issue and supervise the activities of the governmental sector.

The Law defines the 3rd December as the International Day for Persons with Disabilities.

In 2004, the Law providing for persons with disabilities of 2000 had to be amended, as a result of the harmonisation of Cyprus legislation with the acquis communautaire, and specifically with the Directive 2000/78 of the European Union. Consequently the Law providing for persons with disabilities of 2000 will be read with the Amendment Law Providing for Persons with Disabilities of 2004, which prohibit any kind of discrimination – direct or indirect – against persons with disabilities regarding the terms of access to employment, including the criteria of choice and the terms of engagement, and in all the levels of professional hierarchy, including promotions, the access to all types and all levels of vocational guidance, vocational training and professional reorientation, including the acquisition of practical professional experience, the terms and conditions of employment, including redundancies and remuneration.

(a) Programmes concerning Rehabilitation of Disabled Persons in Employment

The **Service for the Care and Rehabilitation of the Disabled Persons of the Department of Labour**, which functions as a coordinating body on issues of rehabilitation and re-accession of persons with disabilities enforces, since 1993, four important Schemes which promote the rehabilitation in employment of persons with disabilities. These Schemes are:

(i) The Self-Employment Scheme

Under this Scheme persons with disabilities are entitled to a grant up to £2.000, and to an interest subsidy (£300 for 5 years) for setting up their own business. In

addition, the individual grant is increased in cases of a partnership of two or more persons with disabilities, by £500 per person.

- (ii) Scheme for the Vocational Training of persons with disabilities in courses of their own choice that are not offered by the Centre for the Vocational Rehabilitation of the Disabled

Under this Scheme persons with disabilities are entitled to reimbursement of training costs (up to £1.000) incurred in courses of their own choice. The training courses should aim at improving employment prospects and may also take the form of apprenticeship.

- (iii) The Supported Employment Scheme

This Scheme aims basically at providing support to persons with mental or multiple disabilities to facilitate their placement and employment in the open labour market. The support is provided in the form of a job-coach. Programmes of Supported Employment are implemented by voluntary organisations and are financed by an amount of up to £6.000 per year by the government.

- (iv) Scheme for the reimbursement of costs to employers for ergonomic and other arrangements for the employment of severely disabled persons

Under this scheme employers are entitled to reimbursement of costs (up to £500) involved in providing to newly engaged disabled persons facilities like ramps, ergonomic alterations to machinery etc.

- (b) Centre for the Vocational Rehabilitation of the Disabled

In addition to the afore mentioned Schemes, the Centre for the Vocational Rehabilitation of the Disabled, which operates under the Department of Labour, offers vocational training to persons with disabilities in various specialisations (shoemaking, furniture, carpentry, brooms making, knitting and sewing embroidery, etc).

- (c) Programmes concerning Social Integration of Persons with Disabilities

- (i) Severe motor disability allowance

This scheme was established for further inclusion of not only persons in this category, but also of persons with motor disabilities who are wheel chair bound. Under this scheme, beneficiaries were entitled a monthly allowance of £100. On 11.6.97 the Council of Ministers, by its decision No. 46.183 increased the allowance to £125 beginning from 1.1.97. In addition to this modification was the inclusion of some special categories of Greek nationals.

The monthly allowance was increased from £125 to £150 since 16.5.01 by the decision, No. 53.675 of the Council of Ministers. According to the same decision

this amount will be adjusted every six months based on the cost of living. By the end of the year 2003, the amount was £159.

(ii) Emergency relief to the Disabled and to Organisations

This scheme subsidises financial assistance to persons with disabilities for the provision of technical aids and equipment, in order to facilitate their living and employment. This scheme also provides special assistance to the Organisation of the disabled for subsidising their running expenses.

(iii) Subsidisation of vacations for the persons with disabilities

The scheme aims to subsidise food and accommodation to the persons with disabilities and their dependents, at hotels in mountainous resorts and areas by the sea. Subsidisation of summer vacation leaves is entitled to the persons with disabilities who are not eligible to other schemes or funds.

(iv) Financial assistance scheme for the purchase of wheel chairs for the disabled

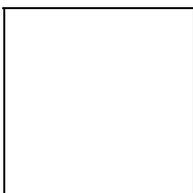
Responsible for the provision of financial assistance for subsidisation of wheel chairs to the persons with disabilities was until 1997 the Ministry of Health. Since 1998, responsible for the implementation of the above scheme is the Ministry of Labour and Social Insurance (Department of Labour).

Non-institutionalisation of persons with disabilities

For the purpose of integration of persons with mental incapability in the social life of the country, non-institutionalisation of persons with disabilities has been promoted through houses within the community. Today, there are four such houses run by the public sector and other nine houses, run on a voluntary initiative.

European Year of Persons with Disabilities

Upon a decision of the Council of the European Union, the Government of Cyprus has declared 2003 as the European Year of Persons with Disabilities and a National Committee has been formed with the participation of the organisations of the disabled, to organise various activities/events during the year.



Education

The Ministry of Education and Culture stresses that the overall goal of education at all levels is, above all, the promotion of cooperation mutual understanding and love between individuals and peoples, free from the spectre of intolerance and chauvinism aiming at safeguarding freedom, justice and peace.

The Ministry of Education and Culture rejects any form of racism, racial discrimination, xenophobia and intolerance. Directives are given to educationalists to be tolerant and respect difference.

The Ministry of Education and Culture declares its respect for culture, traditions, customs and the civilization of foreign pupils and has set as its goal within the needs arising from a prospective multicultural Cyprus community, the inclusion and development of all pupils. Within the framework of the Programme of Intercultural Education time is allotted for groups for support and literacy. In addition help is offered to pupils of minority groups for individual, cultural, professional and social development. For the educationalists, conferences and seminars are offered for multicultural education by the counseling and career Counseling Service, the Educational psychology Service and the University of Cyprus

The Ministry of Education and Culture has data on figures of foreign pupils and pupils who belong to minority groups in view of the best possible planning of the education offered to them.

The Department of Primary Education subsidises fully the tuition fees and transport fares of Turkish-Cypriot pupils who attend private schools and its budget covers repairs and maintenance of Turkish-Cypriot schools. As regards Maronites a new primary school has been erected which operates as of the present school near (2002-2003) and its teachers are appointed by the Ministry of Education and Culture which also subsidises private schools attended by Maronite pupils. The Armenian School Council is offered a budget annually to pay the salaries of the teachers and other running expenses of the Armenian schools.

MEASURES

1. CURRICULA

The Ministry of Education and Culture offers through the Curricula of the various subjects and a multitude of books such as Modern Greek, History, Civics, Geography, Political Economy, Philosophy and Social Subjects, the right messages for positive attitudes towards the various racial groups among our population.

It is noted that the introduction of new Curricula and the publishing and use of the new text books at all levels of education, especially at the Eniaio Lykeio and the Technical Education is aligned with the overall education policy of the Ministry of Education and Culture for updating study programmes and improving the education offered as well as forming, integral personalities within the set of values and pursuits of the Cypriot and, by extension, the European and International Community.

Upgrading and enhancing the institution of From teacher, the programme Creativity-Activity-Social Contribution, the institutions of support teaching and immersion classes,

the enhancement and upgrading of Career Guidance and Counseling, the new didactic methodology, the new way of pupils assessment, the Programme for the prevention of violence and non-discipline are all essential innovations towards the materialization of the goals of the Eniaio Lykeio among which the respect for the differences of each pupil.

2. EVENTS – COMPETITIONS

At all schools of all levels events are organized to commemorate by speeches and school days, the U.N. day, the Day for Human Rights, the International Day of Racial Discriminations e.t.c., while in a number of schools there are clubs and committees for U.N., the UNESCO, Human Rights, the Red Cross, Prevention of cruelty at school and home.

Numerous competitions of essays and paintings at school or pancyprian bases, aim at informing and sensitizing pupils on issues such as the refugee problem, a right of thousands at people the world over.

3. SUPPORT LESSONS

The Ministry of Education and Culture offers support lessons or special study programmes of teaching Greek language to the children of repatriated Cypriots and aliens for a non effective communication and easy inclusion into society. For better training of the educationalists seminars are organized for teachers on the subject of teaching Greek as a second language.

According to statistical data during the school year 2001-2002 the number of foreign speakers who attended primary schools in Cyprus was 2843. The Ministry of Education and Culture in its effort to tackle effectively the particular educational and social needs of pupils whose mother tongue is not Greek has allotted additional 935 periods for support lessons, which has been increased to 1058 periods during the school year 2002-2003, in addition to support periods in the timetable for support lessons for literacy and special needs.

The number of pupils in Secondary Education whose mother tongue is not Greek, repatriated pupils and pupils belonging to nationalities other than Greek reached 1890 in the school year 2001-2002. A total sum of 2286 periods were allotted in secondary Education for support groups and literacy. These groups included repatriated and non-greek speakers.

At primary schools 1000 books of the series ‘Open windows’ by the OEΔB have been given for teaching Greek to children of aliens and/or repatriated Cypriots.

Officers of the primary Education visited Athens and were briefed on the philosophy, the educational policy and legislation implemented by the Department of Primary Education in Greece for non-greek speakers. The same officers were also briefed about the programmes of intercultural education and the teaching of Greek as a second language as well as about the Curricula and other relevant teaching material which has been produced by the Pedagogical Institute of Greece.

Secondary Education Inspectors participated at an International Conference of the Intercultural Education Center of the University of Patra in 2001 and 2002 under the title 'Intercultural Education, Greek as a second or foreign language'.

The Secondary Technical Education has introduced the following programmes:

A small number of Greek pupils from the Pontus area and other non-Greek speaking pupils attend regularly the Theoretical and Practical Sections.

For regular pupils, where feasible, special support lessons are offered especially for the lesson of Greek.

Greek pupils from Pontus and other non-Greek speaking pupils attend vocational courses, especially at the Paphos Technical School, specializing in plumbing, welding and carpentry/cabinet making.

For the latter, securing jobs is made through vocational teaching Inspectors in cooperation with officers from the District Labour Officers.

Greek pupils from Pontus and other non-Greek speaking pupils attend the Teaching schools afternoon and evening classes paying regular tuition fees.

4. SEMINARS AND PROGRAMMES BY THE PEDAGOGICAL INSTITUTE OF CYPRUS

- a. Seminars about the Intercultural Education for educationalists of all levels. They were held in the major cities.
- b. Seminars about Emotional Education for Educationalists. They were held in Nicosia, Limassol and Paralimni.
- c. Seminars about the Teaching of English. They were optional and were held in the framework of pre-service training on the issue of bilingual education in Cyprus.
- d. Seminars in Nicosia and Limassol on the European Dimension in education.
- e. Education programmes for teachers from the Pontus area. They are held annually, last for 6 months, and are attended by 12 teachers from the Black Sea area at a time.
- f. Seminars for teachers of the Career Guidance and Counseling. They are held annually at all the major cities.
- g. Finally, efforts are being made to enrich the film library of the Technological Department of the Pedagogical Institute with films and other means to promote understanding of children which belong to minorities.

5. STATE INSTITUTES FOR FURTHER EDUCATION

The State Institutes for further Education contribute to the Action Plan as follows:

- a. Free lessons of Turkish to Turk Cypriot pupils who live in Paphos.
- b. Free lessons of Greek to pupils which are repatriated, come from the Pontus area or are children of political refugees.

6. COMENIUS PROGRAMME – SCHOOL LINKS

Through School Links racism, racial discrimination and xenophobia are combatted while equal opportunities for education are offered. The Comenius programme held, among others, the following seminars:

- a. A contact seminar in Poland on the subject of ‘National minorities at rural schools. Equal opportunities of education and children with special education needs’. The Gymnasio Ayios Athanasios participated in this seminar.
- b. The Acropolis Lykeio and the Linopetra Lykeio participated at a Contact Seminar on the topic ‘Combatting racism and social exclusion’.
- c. Teachers from the School for the Deaf and the Apostolos Varnavas Special School of Liopetri participated at a seminar in Belgium on the topic: ‘Special Education and Management’.
- d. The Phaneromenis Gymnasium of Nicosia and the Gymnasium Panayia Theoskepasti in Paphos participated in a seminar in Roumania on the topic: ‘Inclusion of children of minorities’.
- e. The American Academy of Limassol participated in a seminar on the topic ‘The effect of immigration in the European Culture and the European identity’.
- f. The Vergina Lykeion participated in a seminar on the topic ‘Europe, roots, identity and culture’.
- g. The Elenio Primary School of Nicosia participated in a seminar entitled ‘Lifestyles: Similarities, differences in Europe’.
- h. The Ayia Varvara Gymnasium participated in the seminar entitled ‘All different, all equal’.
- i. The Christos Steliou Ioannou Foundation participates in the GRUNDTVIG programme on the topic ‘Culture – Environment and individuals with Special Needs’.

7. SCHOOL LINKS AND EXCHANGES, INTERNATIONAL PUPILS’ SEMINARS

The essential goal of these programmes is the promotion of cooperation between schools from different countries and mutual understanding between young people for a world of peace without prejudices and discrimination.

The most important programmes and seminars during the school year 2000-2001 were the following:

- a. Programmes of International Education of the 'North-South Center' of the Council of Europe. The International seminar in Strasbourg was attended by teachers from the Aglanja Gymnasium and Apostolos Petros and Pavlos Lykeio.
- b. An international Pupils' Conference in Hague, organised by the foundation: 'The Hague International model United Nations', which is connected to the Public Relations Department of the United Nations. Cyprus was represented by a group of pupils from the Pancyprian Gymnasium and the Acropolis Lykeio Escorted by two assistant headmasters.
- c. The conference 'Model European Parliament' at Rotterdam, the Netherlands. Cyprus was represented by the Pancyprian Gymnasium.
- d. Activities by the Swedish Life-Link Organisation. Cyprus was represented by the Kykko Lykeio of Paphos.

8. THE CAREER GUIDANCE AND COUNCELLING SERVICE

Within the framework of its goals for assistance to all the pupils who need it, the CGCS operates in school premises aiming at social inclusion of persons with special needs, including the socially excluded pupils.

The counseling teachers through individual, group and family counselling and the lesson of social education (offered at the C form in the Gymnasium) help individuals who are excluded from society to be included or reincluded in society. The counseling does not limit itself to support of individuals and families which are victims of social exclusion but also extends its services within the school with such activities as seminars, lectures, individual counseling e.t.c., aiming at eliminating racism and raising the awareness or informing their immediate social environment (school or community), so that it can accept them.

9. EDUCATIONAL PSYCHOLOGY SERVICE

The Educational Psychology Service offers psychological services to parents and children alike aiming at their adjustment to the Cyprus cultural environment as well as counseling in schools aiming at forming approaches and developing activities which help mutual understanding and acceptance of foreigners Cyprus pupils.

Within the framework of their daily activities educational psychologists meet, evaluate and monitor a number of foreign pupils with deficiencies in the social, linguistic and perceptive sectors.

10. CONFERENCES OF THE UNESCO PARTNER SCHOOLS

The UNESCO schools through their activities project the great ideas of UNESCO and the U.N.: peace, friendship, cooperation between peoples, mutual understanding, tolerance, love and work towards eliminating prejudices, discriminations and adversities.

The work towards combatting such phenomena as racism, chauvinism, xenophobia and intolerance. Their common vision is peace, love, friendship and cooperation. The 25th Pancyprian Conference of the UNESCO Partner Schools of Cyprus which was held in 2002 had the following topic: 'Racism, xenophobia, intolerance'. During the conference reference was made to these phenomena, their causes were analysed and thoughts and suggestions concerning these issues were expressed by youths. The main motif of the conference was Article I of the International Declaration of the Rights of man. 'All men are born free and equal in dignity and rights'.

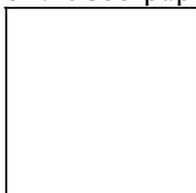
11. SEMINAR ON THE TEACHING OF HUMAN RIGHTS AT THE SECONDARY SCHOOLS

The seminar was organized by the National organization of the Protection of Human Rights and the Ministry of Education and Culture in 1999 in Nicosia and Limassol and was attended by teachers and pupils of the Gynmnasia and Lykeia of Cyprus.

12. INCLUSION OF CHILDREN WITH SPECIAL NEEDS IN THE COMMON CORE OF EDUCATION

The inclusion of children with special needs in the common core of education is a constant philosophy and policy of the Ministry of Education and Culture, fully aligned to international declarations and tendencies. The adoption of this policy is followed by changes of attitudes, social perceptions, stances and beliefs towards children with special needs whether attending regular schools or not. An expression of this attitude is the 1999 Law on Education of children with special needs and 2001 regulations about the Mechanism for Timely Detection of children with special needs and the 2001 regulations about the Education of Children with Special Needs. These last regulate the implementation of the new law.

The state proceeds to an early detection of children with special needs as early as the age of three, the full assessment of their needs by a multidisciplinary group of evaluation and the provision of all necessary means, facilities, exemptions and special assistance by educational or auxiliary personnel for an easy attendance at regular schools. During the school year 2002-2003 individual programmes were offered to 2893 children by 287 teachers. In addition the special schools were provided with the necessary specialized personnel (117 teachers) to meet the educational and other needs of the 355 pupils attending these schools.



Housing

The Housing policy of the Government concerns only Cypriot citizens. For the purpose of implementing a unified, comprehensive housing policy, a Housing Policy Body (HPB) was established under the Minister of Interior. A Permanent Advisory Committee (PAC) consults the Minister of Interior. PAC is responsible for submitting suggestions concerning the housing policy of the Government (with the exception of housing schemes for refugees) such as the introduction of new schemes, the

improvement of existing schemes etc and also for submitting suggestions concerning the general supervision and monitoring the implementation of housing schemes.

The implementations of the decisions of the Housing Policy body (HPB) and monitoring of the various housing schemes, is undertaken, by relevant bodies, which are formed according to the individual schemes. Within the framework of the implementation of individual housing schemes, the bodies are responsible for the approval of applications.

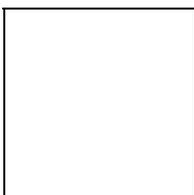
For the study of specialized subjects the PAC establishes the following ad hoc Committees:

- (a) Criteria Committee: The Committee submits suggestions for achieving uniformity of the criteria of existing housing schemes (e.g. the amount of subsidies, interest, beneficiaries, income criteria etc).
- (b) Implementation Committee: The Committee submits suggestions for achieving uniformity of practice concerning applications submitted for subsidies through housing schemes.
- (c) Statistics Committee: The Committee decides on statistics which should be kept for supervision and control of the implementation of schemes (e.g. monitoring of works and their evaluation, number of applications per Community, District and year).

The first specific and exceptionally positive results since the establishment of the HPB, are, according to Decisions taken by the Council of Ministers, the following:

- Improvement and uniformity of schemes under the Ministry of Interior`
- Same interest on all housing schemes`
- Uniformity of procedures followed for the examination of applications` and
- Statistics, which should be kept for monitoring the results of the implementations of the schemes.

For the purpose of supporting refugee citizens of the Republic, as a result of the Turkish invasion of 1974 and encouragement of Cypriots for repatriation, the Ministry of Justice and Public Order administers the Rent Subsidy Scheme for refugees and repatriated Cypriot citizens, which functions on the basis of specified income and socioeconomic criteria (only as far as the subsidy of rent for refugees is concerned).



Acquisition of Immovable Property

The existing legislation imposes a number of restrictions concerning the acquisition of immovable property by foreigners. Specifically, provides that foreigners, foreign companies as well as Cypriot companies under foreign control are not eligible to acquire immovable property in Cyprus with the exception of acquisition of such property by

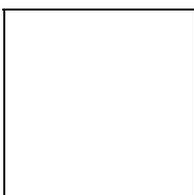
inheritance, unless approval is given by the Council of Ministers. The legislation sets certain criteria according to which the Council of Ministers examines applications for permission to acquire immovable property.

These provisions do not apply to Cypriot citizens who do not reside in Cyprus or persons of Cypriot origin (even in the case these persons are not Cypriot citizens).

Within the framework of the harmonization process of the domestic Cyprus legislation with the *acquis communautaire* of the Union, an amendment bill was submitted to the House of Representatives.

This amendment aims at abolishing the existing restrictions against citizens of member states of the E.U. and legal persons which have been established in member states of the E.U., concerning the possibility of acquisition of immovable property, with the exception of the case of acquisition of secondary residence.

As regards of the acquisition of secondary residence in Cyprus by citizens or legal persons from member states of the E.U. a transitional period of five years upon accession to the Union, was given.



Health

Cyprus has not yet

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:

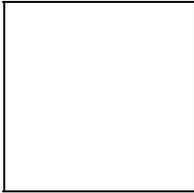
- on behaviour change mainly in relation to sexual transmission of the virus, and includes information about abstinence and delayed sex, self assertiveness, safe sex and correct condom use,
- on the sensitization with regard to the social and personal aspects of the epidemic and its international perspectives,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



Racial or Ethnic Discrimination

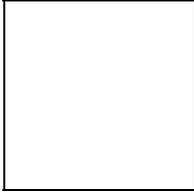
There is no criminal offence in the legal system of Cyprus dealing specifically with non-discrimination. Racial or other discrimination contrary to the Constitution may constitute the criminal offence provided in Article 136 of the Penal Code, which imposes the sentence of imprisonment for a term not exceeding two years or a fine not exceeding £1.500 or to both. Also, persons who are civil servants may be guilty for the offence of “abuse of office” (a sentence of imprisonment for a term not exceeding two years or to a fine not exceeding £1.500 may be imposed) if they discriminate anyone during the exercise of their duties (article 105 and 35 of P.C.).

Participation to any war or warlike undertaking is an offence according to Article 40 of the Penal Code, punishable by the sentence of imprisonment for life. Seditious conspiracy and publications with seditious intention is also an offence under Article 47 of the Penal Code and imposes the sentence of imprisonment for five years. Under the provisions of Article 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 the purposes of the above offence provided in Article 47. If an association creates these feelings of ill will and hostility it is deemed to be an unlawful association and its members are guilty of a felony and are liable to imprisonment for seven years (Articles 56 and 63).

According to the Law that ratified the Convention on the Prevention and Punishment of the Crime Genocide (Ratification Law no. 59 of 1980) genocide acts therein are punishable within the meaning of the Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

The penalty provided for the above actions is the sentence of the imprisonment of life.



Religion and Belief

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 Penal Code provides for criminal offences on the protection of religion beliefs of any person or a class of persons.

According to Article 138, any person who destroys, damages or defiles any place of worship or any object which is held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, is guilty of a misdemeanor.

According to Article 149, any person who with the deliberate intention of wounding the religious feelings of any person utters any word or makes any sounds in the hearing of that person, or makes any gesture in the sight of that person, or places any object in the sight of that person, is guilty of a misdemeanor and is liable to imprisonment for one year.

According to Article 142 (1) Any person who publishes a book or pamphlet or any article or letter in a newspaper or periodical which any class of persons consider as a public insult to their religion, with intent to vilify such religion or to shock or insult believers in such religion is guilty of a misdemeanour. (2) A prosecution for an offence under the provisions of this section shall not be commenced except by, or with the consent of, the Attorney-General of the Republic

PART IV

BODIES / AUTHORITIES

There is no body or authority dealing specifically and wholly on the subject of non discrimination within the meaning of the two Council Directives (2000/43/EC and 2000/78/EC – App. I and II of the Report).

The Ministries of Justice and Public Order and Labour and Social Insurance, upon decision of the Council of Ministers, are studying the establishment of an independent body or authority according to the provisions of Article 13 of the Council Directive No. 2000/43/EE.

Various institutions and/or organizations, established by the Constitution, or by legislative and/or administrative arrangements, such as the Attorney-General of the Republic, the Law Commissioner, the Administration Commissioner, the National Machinery for Women's Rights, the Refugee Authority, the Cyprus Radio-Television Authority, the Parliamentary Control Committee and NGO's on human rights issues, contribute to the protection of persons against any form of discrimination.

KA/XK/HumanRights/ΕκθεσηΚατάΔιακρίσεωνΚΚ.2003.Β5.Εη