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ECRI REPORT ON CYPRUS

(fourth monitoring cycle)

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FOREWORD

The European Commission against Racism and Intolerance (ECRI) was established by the Council of Europe. It is an independent human rights monitoring body specialised in questions relating to racism and intolerance. It is composed of independent and impartial members, who are appointed on the basis of their moral authority and recognised expertise in dealing with racism, xenophobia, antisemitism and intolerance.

In the framework of its statutory activities, ECRI conducts country-by-country monitoring work, which analyses the situation in each of the member States regarding racism and intolerance and draws up suggestions and proposals for dealing with the problems identified.

ECRI's country-by-country monitoring deals with all member States of the Council of Europe on an equal footing. The work is taking place in 5 year cycles, covering 9/10 countries per year. The reports of the first round were completed at the end of 1998, those of the second round at the end of 2002, and those of the third round at the end of the year 2007. Work on the fourth round reports started in January 2008.

The working methods for the preparation of the reports involve documentary analyses, a contact visit in the country concerned, and then a confidential dialogue with the national authorities.

ECRI's reports are not the result of inquiries or testimonial evidences. They are analyses based on a great deal of information gathered from a wide variety of sources. Documentary studies are based on an important number of national and international written sources. The in situ visit allows for meeting directly the concerned circles (governmental and non-governmental) with a view to gathering detailed information. The process of confidential dialogue with the national authorities allows the latter to provide, if they consider it necessary, comments on the draft report, with a view to correcting any possible factual errors which the report might contain. At the end of the dialogue, the national authorities may request, if they so wish, that their viewpoints be appended to the final report of ECRI.

The fourth round country-by-country reports focus on implementation and evaluation. They examine the extent to which ECRI's main recommendations from previous reports have been followed and include an evaluation of policies adopted and measures taken. These reports also contain an analysis of new developments in the country in question.

Priority implementation is requested for a number of specific recommendations chosen from those made in the new report of the fourth round. No later than two years following the publication of this report, ECRI will implement a process of interim follow-up concerning these specific recommendations.

The following report was drawn up by ECRI under its own and full responsibility. Except where expressly indicated, it covers the situation up to 9 December 2010 and any development subsequent to this date is not covered in the following analysis nor taken into account in the conclusions and proposal made by ECRI.

SUMMARY

Since the publication of ECRI's third report on Cyprus on 16 May 2006, progress has been made in a number of fields covered by that report.

Cyprus has adopted laws providing a comprehensive legal framework for safeguarding equality and combating discrimination. New criminal legislation is due to be enacted shortly expressly stating that the racist motivation for any offence constitutes an aggravating circumstance. Significant efforts have been made to disseminate information and raise awareness through publications, festivals and street events.

The electronic on-line Crime Report System ensures some recording of racially motivated incidents and offences. Efforts have been made to train the police and raise awareness about racism. An Independent Authority for the Investigation of Complaints and Allegations concerning the Police has been set up. Its investigations have resulted in criminal or disciplinary sanctions against members of the police.

Progress in "multicultural educational" has been made. Teacher training has been reinforced, with a focus on in-service training courses on teaching Greek as a second language, teaching children with migrant background and ethnic and linguistic discrimination. An Observatory against Violence has been created to record and analyse episodes of violence in schools and assess incidents with a racist or xenophobic content.

Positive measures in favour of Turkish Cypriots include free healthcare, free education in public or private schools and maintenance of mosques, cemeteries and Turkish Cypriot properties. A law adopted in 2006 allows Turkish Cypriot residents to vote and be elected in parliamentary, municipal and community elections and to vote in presidential elections.

Additional staff have been assigned to the Asylum Service, resulting in a significant reduction in the backlog of pending asylum applications.

ECRI welcomes these positive developments in Cyprus. However, despite the progress achieved, some issues continue to give rise to concern.

The criminal, civil and administrative law provisions against racism and racial discrimination are rarely applied. No records are kept on discrimination cases before the courts or their outcomes. The Office of the Commissioner for Administration (Ombudsman) lacks sufficient human and financial resources and does not enjoy the freedom to appoint its own staff. It is not well known by vulnerable groups.

There is a disproportionately high concentration of Turkish Cypriot and Roma pupils in particular schools. The failure to meet the educational needs of these children constitutes an effective denial of their right to education. The lack of any access to education for the Roma children at the Polemidia housing settlement outside Limassol constitutes a breach of the same right. Furthermore, this settlement constitutes *de facto* segregation from the majority population. There is a marked increase in racism in schools.

Cyprus has no integration policy. The vulnerable situation of foreign domestic workers has not improved. Legislation is being drafted to combat irregular migration by means of "sham marriages". Negative attitudes towards migrants, asylum seekers and refugees are commonly expressed in political discourse and in the media. There is a rise in prominence of extremist anti-immigration groups. Certain extreme nationalist websites disseminate hate speech.

Asylum seekers, like all other applicants for public assistance, must wait several months for the processing of their claims and receipt of welfare. They experience major difficulties finding accommodation. Their access to employment is restricted to specific unskilled sectors six months after lodging their request for international protection. The employment of asylum seekers with health problems is not clearly coordinated between the different offices involved. Legal aid is only available at the appeal stage against negative asylum decisions and the conditions are such that very few obtain it.

In this report, ECRI requests that the Cypriot authorities take further action in a number of areas; in this context, it makes a series of recommendations, including the following.

Data should be systematically collected on the application of the civil and administrative law provisions against racism and racial discrimination. The Crime Report System should be developed further and the court archiving system should classify cases by subject matter and indicate racist elements*. The authorities should pursue their goal of ensuring that new criminal legislation expressly states that the racist motivation for any offence constitutes an aggravating circumstance.

The Office of the Commissioner for Administration should be granted the necessary human and financial resources for it to function effectively and its independence should be assured by allowing it the freedom to appoint its own staff. Information about rights and non-discrimination should be produced and distributed in the languages of vulnerable groups.

There should be a more even distribution of Greek-speaking and non-Greek speaking children in different schools. Urgent steps should be taken to implement fully the programme Zones of Educational Priority in respect of the 18th Primary School, to ensure that the right to education enshrined in Article 2 of the Protocol to the ECHR is respected*. Free transportation to and from school should be provided urgently for the Roma children living at the Polemidia settlement in order for them to exercise their right to education. Consultations with the Roma community living at this settlement should be undertaken with a view to closing it down and moving the inhabitants to standard housing.

Efforts to monitor the activities of extremist groups and punish incitement to hatred should be made. Steps should also be taken to prevent the Internet from being used to disseminate racist comments and material. All acts of racist violence should be thoroughly investigated with a view to prosecution and the perpetrators duly punished.

The authorities should revise their legislative plans to adopt a policy requiring third country nationals to pass a premarital interview with the migration authorities before being given permission to marry Cypriot or EU citizens*. A comprehensive housing policy for migrants and asylum seekers should be developed and a body designated to provide housing services.

A less restrictive approach to the employment of asylum seekers should be adopted and measures taken to facilitate their integration into the job market. The authorities should ensure that asylum seekers have access to legal aid throughout the asylum procedure and not just at the appeal stage. They should ensure that asylum seekers are fully aware of the availability of legal aid to challenge negative asylum decisions before the Supreme Court.

* The recommendation in this paragraph will be subject to a process of interim follow-up by ECRI no later than two years after the publication of this report.

FINDINGS AND RECOMMENDATIONS

I. Existence and Application of Legal Provisions

International legal instruments

1. In its third report, ECRI recommended that the Cypriot authorities ratify the Convention on the Participation of Foreigners in Public Life at Local Level and that they apply all the provisions contained in this instrument, including Chapter C, which concerns the attribution of eligibility and voting rights to foreign residents. It also recommended that the Cypriot authorities ratify the European Convention on Nationality, the European Convention on the Legal Status of Migrant Workers and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.
2. ECRI notes that none of the above instruments has been ratified by Cyprus and regrets that there are no plans to do so. Ratification of the European Convention on Nationality would provide an international legal basis for the acquisition of Cypriot citizenship and remove the discriminatory practices of a political nature in certain narrowly defined cases, which are discussed below. In view of the growing population of immigrants in Cyprus, ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families would signal a firm commitment towards the development of an integration policy and the respect of the rights of this section of society. It would also assist the authorities in their struggle to control irregular migration by eliminating incentives for labour exploitation and work in abusive conditions that fuel the trafficking of migrants. Furthermore, ratification of the Convention on the Participation of Foreigners in Public Life at Local Level would open the possibility for the admittedly few foreign nationals who have been lawfully resident in Cyprus for five years to participate in the life of the community by voting in and standing for local elections.
3. ECRI recommends again that Cyprus ratifies the Convention on the Participation of Foreigners in Public Life at Local Level, the European Convention on Nationality, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.
4. In its third report, ECRI recommended that the Cypriot authorities take steps to improve awareness of the provisions against racial discrimination contained in international legal instruments ratified by Cyprus among the legal community and the general public. It recommended that, in doing so, particular attention be given to the ways in which these provisions complement and strengthen the protection against discrimination afforded by primary anti-discrimination legislation.
5. The impact of relevant awareness-raising campaigns organised by the authorities is discussed elsewhere in this report.

Constitutional and other fundamental provisions

6. The Cypriot Constitution of 1960 contains an anti-discrimination provision corresponding to Article 14 of the European Convention on Human Rights (ECHR), but includes additionally the ground of belonging to either the Greek or the Turkish “community”. It also recognises three “religious groups”, the Latins, the Maronites and the Armenians, which were obliged to opt to belong to either of the two communities in order for their members to exercise their civil duties and enjoy their political rights. They all opted to belong to the Greek community. The Constitution does not recognise any groups as national minorities. The

Roma are considered part of the Turkish community¹. ECRI notes that the Constitution continues to sustain the division of Cypriot citizens along ethnic lines.

7. In its third report, ECRI recommended that the Cypriot authorities ensure that the provisions on naturalisation are applied in all cases in a non-discriminatory manner and in particular that they enhance transparency as concerns the application of the requirements for naturalisation, such as public order considerations, residence and language.
8. ECRI notes that the situation regarding naturalisation has not changed. Given the very restrictive immigration policy currently applied, this has become an issue of lesser importance.
9. In its third report, ECRI recommended that the Cypriot authorities do their utmost to ensure that the right of children to Cypriot nationality, as established by law, is thoroughly respected. It encouraged the authorities to communicate widely and effectively on the need for this right to be respected, in order to prevent intolerant and xenophobic attitudes in public debate.
10. As described in the third report, the acquisition of Cypriot citizenship is by *jus sanguinis*, except in cases where one parent is deemed to have entered or resides unlawfully in Cyprus. ECRI notes that there continue to be legal obstacles for children of Cypriot citizens married to Turkish nationals. This is explained by the authorities as a legitimate attempt to prevent radical changes in the demographic composition of Cyprus. The subject continues to be a controversial political issue at the heart of the “Cyprus problem”, and invariably arouses xenophobic feelings. Applications for citizenship in these cases still require a decision by the Council of Ministers. Even though the authorities claim that applications are examined on a case-by-case basis against a set of criteria established by the Council of Ministers and that the great majority of decisions are positive, the procedure is lengthy and in the meantime the children concerned remain without identity documents. ECRI regrets that the situation of five years ago has not evolved in a more favourable way and is particularly concerned that children are paying the price of an unresolved political conflict and discrimination based on the nationality of one of their parents. As highlighted above, ratification of the European Convention on Nationality could bring an immediate solution by providing clear rules on acquiring citizenship.

Criminal law provisions

11. In its third report, ECRI recommended that the Cypriot authorities take further steps to improve the application of existing criminal law provisions against racism² and racial discrimination³. It recommended in particular that they increase their efforts to ensure that all those involved in the criminal justice system, from lawyers to the police, prosecuting authorities and the courts, are equipped with thorough knowledge of the provisions in force against racism and racial discrimination and fully aware of the need actively and thoroughly to

¹ See the Third Opinion on Cyprus of the Advisory Committee on the Framework Convention for the Protection of National Minorities, adopted on 19 March 2010, § 36.

² According to General Policy Recommendation No. 7, racism is the belief that a ground such as “race”, colour, language, religion, nationality or national or ethnic origin justifies contempt for a person or a group of persons or the notion of superiority of a person or a group of persons.

³ According to General Policy Recommendation No. 7, racial discrimination is any differential treatment based on a ground such as “race”, colour, language, religion, nationality or national or ethnic origin, which has no objective and reasonable justification.

counter all manifestations of these phenomena and, notably, racially-motivated offences.

12. The authorities have assured ECRI that all those involved in the criminal justice system have thorough knowledge of the provisions in force against racism and racial discrimination⁴. No particular explanation could be offered as to why these criminal law provisions are rarely applied, but lack of awareness is not thought to be the reason, nor is lack of training. One public official stressed that no case had yet been presented which would merit prosecution and that a degree of tolerance was required to guarantee freedom of expression. Another unofficial source reported that there is a general reluctance on the part of the Attorney General's Office to prosecute for racist related offences. ECRI considers that the above concerns could be addressed by training and awareness-raising (see section below on Training of law enforcement officials, prosecutors and judges).
13. In its third report, ECRI strongly recommended that the Cypriot authorities introduce a provision which expressly considers the racist motivation of an offence as a specific aggravating circumstance.
14. The authorities have informed ECRI that the Law Committee of Parliament has concluded discussions on a draft law transposing EU Council Framework Decision 2008/913/JHA and including a provision expressly stating that the racist motivation for any offence constitutes an aggravating circumstance. The law is due to be adopted in February 2011⁵. ECRI welcomes this positive development.
15. ECRI recommends that the authorities pursue their goal of ensuring that new criminal legislation expressly states that racist motivation for any offence constitutes an aggravating circumstance.
16. Regarding other developments in criminal law, ECRI notes that in March 2006, the law ratifying the Additional Protocol to the Convention on Cybercrime concerning the criminalisation of acts of a racist or xenophobic nature committed through a computer system, created new criminal offences on issues such as holocaust denial and dissemination of racist material through the Internet. There is no case law yet invoking this law.

Civil and administrative law provisions

17. In its third report, ECRI recommended that the Cypriot authorities keep the application of the existing civil and administrative law provisions against racial discrimination under review and take steps to improve it. To this end, ECRI recommended that the Cypriot authorities undertake or support further initiatives to raise awareness of the legal framework in force against racial discrimination, notably among groups who are more exposed to this phenomenon.

⁴ These provisions include: Section 2A (1) of Law 13/1967 as modified by Law 11(III)/92 and by Law 28(III)/99 (incitement to acts or activities likely to cause racial discrimination, violence or hatred); Section 2A (3) of the same law (public expression of ideas which are racially insulting); Section 2A (4) of the same law (discriminatory refusal to supply goods and services in the exercise of one's profession); Section 2A (2) of the same law (establishment or participation in organisations that promote racial discrimination); Section 47 combined with Section 48 (f) of the Criminal Code (publication of material that promotes ill will or hostility between different communities); Section 51 (1) of the Criminal Code (public statements likely to instigate ill will between communities); Section 51 A (1) of the Criminal Code (procuring to acts of violence, mutual discord or a spirit of intolerance); and Section 105 of the Criminal Code (discriminatory conduct by members of the civil service).

⁵ Although this report covers the situation up to 9 December 2010, ECRI considered it important to include this information which was brought to its attention by the Cypriot authorities.

18. In 2004, two laws were adopted which transposed the EU Anti-discrimination Directives 2000/43 and 2000/78. A third law appointed the Ombudsman as the specialised body ("equality body"). By all accounts, the national laws are in compliance with the Directives and Cyprus is generally considered to have a comprehensive legal framework for safeguarding equality and combating discrimination.
19. However, as no record is kept as to how many discrimination cases are brought before the courts and no database on court decisions exists, it is impossible to assess the application of the civil and administrative law provisions against racial discrimination⁶. It is nevertheless generally accepted that the anti-discrimination laws are hardly ever invoked in the courts and, according to the Commissioner for Administration, no decision has been rendered by a court on this legislation. As observed in the third report, this could be attributed to the fact that a large number of complaints are withdrawn before final determination as a result of mediation by the equality body or friendly settlement. It has also been suggested that lack of awareness of the legal provisions or the high costs of litigation, where no legal aid is available for victims of discrimination, could account for the limited application of the legislation. The question of legal aid is discussed below.
20. Regarding awareness-raising, the Cypriot authorities have taken steps to disseminate information to the general public about their rights and about non-discrimination. A number of events have been organised and some awareness raising publications were issued by the Ministry of Labour and the Ministry of Justice. In particular, information leaflets on discrimination in the workplace were translated into English to facilitate a wider understanding by non-citizen workers. The Department of Labour has produced a number of guides providing useful information on labour legislation and other employment matters, mainly in Greek and English, but also in Turkish, Bulgarian, Romanian and Polish. ECRI welcomes these initiatives.
21. ECRI recommends that the authorities continue to produce and distribute information about rights and non-discrimination in the languages of vulnerable groups and that related awareness-raising campaigns specifically target these groups.
22. In its third report, ECRI recommended that the Cypriot authorities enact the necessary legislation to comply with the judgment of the European Court of Human Rights in the case *Aziz v. Cyprus*⁷.
23. The Cypriot authorities have informed ECRI that eligibility and voting rights were granted by Law 2(I)2006 on "the exercise of the right to vote and to be elected by members of the Turkish community with habitual residence in the free territory of the Republic". In conformity with the Court's judgment (and noted in the introduction to the Law), the Law gives effect to the right to vote and to be elected in parliamentary, municipal and community elections. In addition, members of the Turkish community with habitual residence now have the right to vote in presidential elections. The Court's judgment was promptly translated and published on the site of the Cyprus Bar Association. ECRI notes that in June 2007 the Committee of Ministers of the Council of Europe examined the measures taken by Cyprus in execution of the judgment, declared that it had

⁶ See §§ 27-29.

⁷ The applicant complained that he was refused permission to be registered on the electoral roll, in order to vote in the parliamentary elections of 27 May 2001, because he was a member of the Turkish Cypriot community. The Court found Cyprus in violation of Article 3 of Protocol No. 1 (right to free elections) and of Article 14 (prohibition of discrimination) in conjunction with Article 3 of Protocol No. 1.

exercised its functions under Article 46, paragraph 2, of the Convention and decided to close the examination of the case.

- *Legal aid*

24. In its third report, ECRI encouraged the Cypriot authorities to pursue their efforts to ensure that free legal aid is available to victims of human rights violations, including racism and racial discrimination. It recommended that the Cypriot authorities keep the provisions on legal aid under review, in order to ensure that they do not put certain categories of persons, such as asylum seekers and immigrants, at a particular disadvantage.
25. As mentioned above, there is no legal aid for victims of discrimination in administrative proceedings. ECRI notes, however, that the Law on the Provision of Legal Aid (2002) provides for the granting of free legal aid in proceedings (both criminal and civil) before the courts for specific violations of human rights. A table at the end of the law states that this refers to violations of the rights listed in the Constitution and in eight laws incorporating international treaties on human rights, including the ECHR and the International Convention on the Elimination of All Forms of Racial Discrimination. ECRI has no information concerning the application of these provisions in cases of racism or racial discrimination. It reminds the Cypriot authorities of its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination, which recommends that the law should guarantee free legal aid for victims who wish to go before the courts as applicants or plaintiffs and who do not have the necessary means to do so.
26. ECRI recommends again that the authorities take steps to ensure that the provisions on the granting of free legal aid before the courts to victims of specific violations of human rights are also systematically applied to cases of racism and racial discrimination.

Data on the application of civil, administrative and criminal law provisions

27. In its third report, ECRI recommended that the Cypriot authorities systematically collect data on the application of the existing civil, administrative and criminal law provisions against racism and discrimination. This data should cover the number and nature of the complaints filed, the investigations carried out and their results, charges brought, as well as decisions rendered and/or redress or compensation awarded.
28. ECRI regrets that no data in the civil and administrative law field is collected in accordance with the above recommendation. No record is kept as to how many discrimination cases are brought before the court. There is no publicly accessible database listing court decisions. Only the equality body publishes annual data regarding the number of complaints received, the ground complained of and the outcome.
29. ECRI strongly recommends that the Cypriot authorities systematically collect data on the application of the civil and administrative law provisions against racism and racial discrimination, including the number and nature of the complaints filed as well as decisions rendered and/or redress or compensation awarded.
30. As for data on the application of the criminal law provisions, ECRI notes that there have been positive developments. The police electronic on-line Crime Report System, an internal method of recording racially motivated offences, was set up in 2005 and extended in 2008 to cover also incidents which are racially motivated. According to police data from 2005 to 2009, 37 criminal cases or

incidents with a racial motive were recorded. Twenty of these resulted in criminal prosecutions and there have been 16 convictions. The data does not reveal, however, how many of these, if any, relate to the specific criminal law provisions against racism and racial discrimination. According to both public officials and independent experts, there has not been a single prosecution invoking these provisions and the convictions mentioned above relate to other offences.

31. ECRI notes that as a result of the Crime Report System, the European Union Agency for Fundamental Rights, according to its 2009 Annual Report, has moved Cyprus from Tier 4 (no official data available) to Tier 3 (limited reporting on investigations and court cases, with detailed information available on request, or focus on general discrimination).
32. However, ECRI also notes that the total number of racially motivated incidents recorded is extremely low. The relevant police unit is reported to be understaffed and overloaded with other mandates to the effect that little monitoring is done of racist crime. Reports underline that the number of racist incidents and offences is far higher than the police data indicates and that there is under-reporting by victims.
33. Furthermore, ECRI regrets that neither the Attorney General's Office nor the courts collect data on cases with racial elements. Court cases are recorded by the name of the case and the case number, not by the subject.
34. ECRI encourages the authorities to develop further the Crime Report System to ensure that accurate data and statistics are collected and published on the number of racist and xenophobic incidents and offences that are reported to the police, on the number of cases that are prosecuted, on the reasons for not prosecuting and on the outcome of cases prosecuted, in accordance with its General Policy Recommendation No. 1 on combating racism, xenophobia, antisemitism and intolerance. It encourages the authorities to improve the court archiving system so that cases are classified also by subject matter and clearly indicate racist elements.

Training for law enforcement officials, prosecutors and judges

35. In its third report, ECRI recommended that the Cypriot authorities pursue and intensify their efforts to provide thorough initial and in-service human rights training to law enforcement officials. In particular, it recommended that all serving police officers be provided with specific training in policing a diverse society.
36. According to various reports, there has been a marked effort to train the police and raise awareness about racism through training courses and seminars at the Cyprus Police Academy. ECRI is pleased to note this progress and in particular that thorough training in various aspects of human rights and non-discrimination is part of both basic training and compulsory in-service training. Basic training includes courses on police ethics, communication in a multicultural society, the Fundamental Rights Charter, human rights issues related to immigration and asylum and the safeguarding of human rights by the police. At the Officers' School, courses include police culture-professional behaviour, the respect of human rights by law enforcement authorities, policing a multicultural society, and police ethics-tolerance. Training is carried out by professionals such as criminologists, lawyers, judges, psychologists, members of NGOs and university professors.
37. In addition, ECRI welcomes the creation of a Human Rights Office in the police. This Office has produced a Code of Ethics as well as numerous leaflets on

human rights, discrimination, racism and xenophobia which have been distributed to all police officers. Other pamphlets intended for the public have been issued in a wide variety of languages.

38. In its third report, ECRI encouraged the Cypriot authorities to provide police officers with support and training concerning the use of the newly-introduced guidelines on recording racially-motivated incidents.
39. The Cypriot authorities have informed ECRI that the criteria for defining offences or incidents with a racial motive are covered in the course "racial and other discrimination". The recording of such offences in the electronic on-line Crime Report System forms part of additional courses on the use of police computerised information systems. It appears that all police are now taught how to report reliable data.
40. ECRI notes that public prosecutors and judges do not receive any special training in the field of racism and racial discrimination. Seminars and courses are offered several times a year on specific human rights-related topics.
41. ECRI recommends that the Cypriot authorities strengthen the initial and in-service training provided to public prosecutors and judges on human rights, equal treatment, non discrimination and the Criminal Code provisions in force to combat racism and racial discrimination.

Anti-discrimination bodies and other institutions

- *Commissioner for Administration (Ombudsman)*
42. In its third report, ECRI made a number of recommendations related to the Commissioner for Administration: (i) that the powers and duties of the Commissioner for Administration in the field of combating racism and racial discrimination are kept under review; (ii) that the human and financial resources necessary for this institution to carry out its functions effectively are swiftly made available; (iii) that the adequacy of such resources is kept under regular review; (iv) that all recommendations of the Commissioner, notably in the fields covered by ECRI's mandate, are thoroughly and swiftly complied with.
 43. In 2004, the Commissioner for Administration was appointed as the national equality body, in compliance with Article 13 of the EU Racial Equality Directive. Under the implementing law, two separate authorities were set up within the Commissioner for Administration: the "Equality Body" and the "Anti-discrimination Body". The Equality Body deals with employment issues. The Anti-Discrimination Body deals with discrimination in other fields. Thus, the Ombudsman, in her capacity as such, will investigate complaints of maladministration and discrimination from public bodies towards individuals; in her capacity as the national equality body, she will investigate complaints in both the private and the public sector.
 44. Since its establishment, more than 800 complaints have been lodged. According to statistics from the fourth Annual Report of the Cyprus Anti-Discrimination Body for the year 2008, 57 per cent of complaints came from citizens from European countries, while five per cent were from Turkish Cypriots and one per cent from Roma. The great majority of the complaints (89 per cent) concerned discrimination on the grounds of racial, ethnic or national origin. The 2010 Annual Report of the European Union Agency for Fundamental Rights states that according to complaint statistics in 2009, there is an increase in complaints based on ethnic discrimination in Cyprus.

45. ECRI is pleased to note that the Commissioner for Administration has a high profile in Cyprus and is well respected. The Anti-Discrimination Body is considered one of the most effective bodies to combat racism and discrimination. It has powers to investigate individual complaints, as well as competences in prevention, enforcement and education. The Commissioner also participates in policy development.
46. ECRI notes that the Anti-Discrimination Body has been criticised for rarely using its powers to impose sanctions. The Commissioner stated that she placed greater emphasis on mediatory action and the mobilisation of civil society to raise awareness. For example, rather than fining certain media groups for discriminatory reporting, the Commissioner for Administration called all relevant stakeholders and journalists together to participate in the drafting of a code of conduct for the media (see the section on Media, including the Internet, and publications, below).
47. Despite these positive aspects, ECRI wishes to point out certain weaknesses in the present framework, which affect the overall effectiveness of the equality body. Firstly, as noted in the 2010 Annual Report of the European Union Agency for Fundamental Rights, the lack of adequate human and financial resources is a major problem. Moreover, the situation is getting worse: due to budget cuts, the human rights and discrimination department has recently been reduced from five to three staff members.
48. ECRI recommends again that authorities make available to the Commissioner for Administration the human and financial resources that are necessary for this institution to carry out its functions effectively.
49. Secondly, the full independence of the equality body is questionable since it does not enjoy the freedom to appoint its own staff, as recommended by ECRI in its General Policy Recommendations No. 2 on specialised bodies to combat racism, xenophobia, antisemitism and intolerance at national level (principle 5) and No. 7 on national legislation to combat racism and racial discrimination.
50. ECRI recommends that the independence of the Commissioner for Administration is assured, particularly concerning the freedom to appoint her own staff, in line with ECRI's General Policy Recommendations No. 2 on specialised bodies to combat racism, xenophobia, antisemitism and intolerance at national level and No. 7 on national legislation to combat racism and racial discrimination.
51. Thirdly, according to the EU-MIDIS report (10 December 2009) of the European Union Agency for Fundamental Rights, only six per cent of persons belonging to particular minority groups have heard of the equality body in Cyprus. Lack of awareness appears to be a problem, despite consistent reports of wide-spread public information and publicity campaigns, including regular television and radio advertising spots about the role of the Commissioner for Administration. This could be explained by a failure to target vulnerable groups specifically or to disseminate information in the languages of vulnerable groups.
52. ECRI notes that the website of the Commissioner for Administration provides basic information in Greek and English, but only a few titles in the Turkish language with no information attached.
53. ECRI recommends that particular attention is paid in the awareness raising activities of the Commissioner for Administration to targeting vulnerable groups and to providing information, including on the official website, in the languages of vulnerable groups.

54. As for compliance with the decisions and recommendations, ECRI notes that both public and private actors comply to a large extent. In November 2008 the Commissioner for Administration stated that the Government had complied with 80 percent of her Office's recommendations.
- *National Institution for the Protection of Human Rights*
55. In its third report, ECRI recommended that the Cypriot authorities provide the National Institution for the Protection of Human Rights (NIPHR) with a legal basis and framework and that, in this context, they ensure that adequate resources in order for this institution to carry out its functions effectively are made available.
56. ECRI has been informed that due to the overlap of its work with that of the Commissioner for Administration, the National Institution for the Protection of Human Rights has ceased to function. A bill approved by the Council of Ministers in October 2010 aiming at strengthening the functioning of the Commissioner for Administration regarding human rights protection has been submitted to Parliament for approval and adoption. Thus the Commissioner for Administration will become also the Commissioner for the Protection of Human Rights. ECRI hopes that the new responsibilities and powers of the Commissioner will also involve a budgetary increase, so that, as recommended above, it will have the necessary funding and staff for it to function effectively.
- *Parliamentary Committee for Human Rights*
57. In its third report, ECRI recommended that the Cypriot authorities ensure full compliance with the recommendations of the Parliamentary Committee for Human Rights.
58. The Parliamentary Committee for Human Rights continues to be active in monitoring, examining and studying provisions relating to human rights in the Constitution and legislation. It issues reports, remarks and recommendations to the Government and Parliament on its findings. ECRI is pleased to note that the recommendations of the Parliamentary Committee are taken into account and have resulted in amendments to existing legislation or new laws.

II. Discrimination in Various Fields

Administration of justice

59. In its third report, ECRI strongly recommended that the Cypriot authorities carry out and support research into possible patterns of direct and indirect discrimination faced by non-citizens in the criminal justice system.
60. ECRI notes that no such research has been carried out. It recalls that its General Policy Recommendation No. 4 on national surveys on the experience and perception of discrimination and racism from the point of view of potential victims provides detailed guidance on the benefits of conducting such surveys, as well as on the aims, practical organisation and survey design. Data on the perceptions and experiences of vulnerable groups, notably non-citizens, would be particularly important at this time in Cyprus when a comprehensive policy on immigration and integration is under consideration for the first time (see section on Non-citizens below).

Education

61. In its third report, ECRI recommended that the Cypriot authorities (i) intensify their efforts to provide non Greek mother tongue children with good quality teaching of Greek as a second language, and train teachers to this end;

- (ii) ensure that the constitutional right of Turkish Cypriot children to mother tongue⁸ education is respected; (iii) pursue and intensify efforts to ensure that education in schools in Cyprus meet the needs of a diverse society and be genuinely conducive to an atmosphere of reconciliation between Greek and Turkish communities; (iv) ensure that the right of children in Cyprus to access education is secured without direct or indirect discrimination, notably on grounds such as nationality or national or ethnic origin; (v) equip teachers with the necessary tools to identify and address manifestations of racism and racial discrimination in schools; (vi) take measures to address and prevent the stigmatisation of children who do not attend Greek-Orthodox religion in the school environment and provide these children with adequate possibilities for alternative education.
62. ECRI notes that a major reform of the education system is on-going in Cyprus. The reform is based on the concept of “multicultural education”, adapted to the needs of an increasingly diverse society. Changes and innovations at all levels have been introduced to modernise the national curriculum, create a democratic and student-focused environment and promote the inclusion of all students irrespective of social, racial or ethnic background, gender, or physical or mental ability.
63. Priority action as far as pupils are concerned includes programmes for the intense instruction of Greek as a second language to non-native pupils and teaching of the mother tongue to foreign pupils (including migrants, refugees and asylum seekers). As for teachers, one of the key objectives of the reform is to improve the quality of teaching. Teacher training has now been assigned to the University of Cyprus. A strong focus is placed on in-service training through seminars organised by the Pedagogical Institute. Courses and conferences are offered every year on teaching Greek as a second language, intercultural education with an emphasis on teaching children with migrant background and peaceful coexistence, and discrimination with an emphasis on ethnic and linguistic discrimination and refugee issues.
64. ECRI recalls that in 2003, in an attempt to reduce inequalities for disadvantaged pupils and to address the problems related to large numbers of non Greek-speaking and migrant children, high records of school failure and functional illiteracy in economically and socially depressed areas, the Ministry of Education developed the programme “Zones of Educational Priority”. Initially three zones were established in Nicosia, Limassol and Paphos and a fourth zone was added in the year 2008-2009 in Larnaca. Measures for the schools in the zones include reduction in the number of children per classroom, the employment of teachers speaking the mother tongue of foreign pupils, free meals (breakfast and lunch) to underprivileged pupils, and the all-day functioning of primary and secondary schools to allow extra classes in the afternoons. ECRI is pleased to note that, although not all the measures foreseen are being implemented (see below), according to both the authorities and civil society organisations, the programme has achieved results, such as a reduction in pupil drop-out rates and school failure.
65. ECRI notes that a number of positive measures have been taken in favour of Turkish Cypriots in the field of education. Children of Turkish Cypriots residing in the Government-controlled area are entitled to free education in any public or private school, including the prestigious bi-communal English School in Nicosia. Turkish Cypriots living in the northern part of the island also have the right to educate their children at the English School free of charge. ECRI appreciates the adoption of this policy conducive to reconciliation with the Turkish

⁸ According to the Constitution, Turkish is an official language of Cyprus.

community. Furthermore, free meals are provided to all Turkish speaking pupils in public schools, and free Turkish and Greek language classes are offered to Turkish Cypriot children and their parents in adult education centres.

66. ECRI notes also that the Minister of Education and Culture issued a circular in September 2008 in which emphasis was placed on the priority goal for the two consecutive years, which was the “enhancement of mutual respect and understanding among the different cultures of the island for nurturing peaceful coexistence”. The primary school teachers’ union issued a circular requesting its members to refuse to implement the targets set by the Ministry. Despite this hostility, it appears that some bi-communal exchanges and contacts have taken place, but no visits between schools in the Government-controlled area and the northern part of the island⁹.
67. ECRI notes that there is a disproportionately high concentration of Turkish Cypriot (including Roma) children in particular schools. This is attributed by the authorities to the concentration of these communities in certain residential areas. The school enrolment criteria stipulate that pupils should enrol at the school nearest to the place where they live. In some cases, this results in a majority of Turkish Cypriot pupils in classrooms. It should be noted that the mother tongue of these children is Turkish. Since the curriculum is taught exclusively in Greek and the vast majority of teachers are Greek Cypriots, these pupils are faced with a major disadvantage right from the start. ECRI notes that not only is the situation unmanageable for teachers, it is unproductive for pupils. Without a majority in the class speaking a common language, no meaningful instruction is possible.
68. In addition, ECRI has heard of discriminatory application of the school enrolment criteria. Greek Cypriot parents seem to have no trouble enrolling their children in schools which are not the closest to where they live and which have higher proportions of Greek Cypriot pupils. The authorities’ tolerance of this practice perpetuates the disproportionate numbers of Turkish Cypriot children in certain schools.
69. ECRI strongly recommends that the authorities review the way in which pupils are admitted to schools to eliminate any discriminatory practices and take other necessary measures to ensure a more even distribution of Greek-speaking and non-Greek speaking children in different schools.
70. ECRI wishes to draw attention to one example which illustrates the problems highlighted above. Cyprus has one so-called “mixed” public school, the 18th Primary School (also called Ayios Antonis), situated in an economically underdeveloped part of Limassol. In 2006 this school was a prize winner in the Commonwealth Education Good Practice Award for actions that enhanced access to quality education for the good of all. Almost five years on, many in Cyprus continue to regard the school as a beacon of successful bi-communal education. The ECRI delegation visited this school and witnessed a very different reality. At the time of the visit there were 75 pupils aged six to 12. 31 were Greek Cypriots, 40 were Turkish Cypriots, and the remaining four were from Romania, Bulgaria, Syria and Iran. The pupils were distributed into five classes. In the first four classes, the majority were Turkish Cypriots. For the current school year 2010-2011, only Turkish Cypriots enrolled. The school had one interpreter. None of the teachers were specially trained to teach non-Greek speaking pupils and no extra teachers had been provided to teach Greek. The curriculum was taught in Greek, and there was no formal teaching of the Turkish language. Two teachers were Turkish Cypriots, but they were employed

⁹ See § 131.

for other subjects, not language. The staff interviewed deplored the fact that they could not communicate with their pupils. In addition, despite the small classes, maintaining discipline was a major challenge.

71. ECRI is deeply concerned by the situation in this particular school. It considers that, due to the school's failure to meet the educational needs of the children concerned, the pupils are effectively being denied the right to education, as enshrined in Article 2 of the Protocol to the ECHR, with serious consequences for them in terms of future social marginalisation and exclusion.
72. ECRI urges the authorities to take remedial action. This should involve full implementation of the measures foreseen in the programme "Zones of Educational Priority", in particular the employment of teachers speaking the mother tongue of non-Greek pupils. Turkish-speaking teachers, or Turkish-speaking classroom assistants to work alongside and assist the Greek-speaking teachers, should be assigned to each class. Specialist Greek language teachers are also urgently required. The opening of the school in the afternoons as an "all day school" would permit children who need special support to benefit from extra classes. In view of the small numbers of Turkish Cypriot and Roma children concerned, ECRI believes that finding rapid solutions should not be problematic.
73. ECRI strongly recommends that the Cypriot authorities take urgent steps to implement fully the programme Zones of Educational Priority, particularly in respect of the 18th Primary School, to ensure that the right to education as enshrined in Article 2 of the Protocol to the ECHR is respected in practice.
74. As regards the constitutional right of Turkish Cypriot children to mother tongue education, ECRI refers to report of the Committee of Experts on the Charter for Regional or Minority Languages of 23 September 2009, which has addressed this issue. ECRI notes that the right guaranteed by the Constitution is not fully respected.
75. Another area of serious concern for ECRI is the lack of access to education of the Roma children living at the Polemidia housing settlement established by the authorities outside Limassol. The ECRI delegation paid a visit to this site and discovered that no children currently attend school. The nearest village school is too far by foot and there is no access by public transport. In the past it seems that a bus system was in operation but this ceased some time ago. ECRI again recalls that Article 2 of the Protocol to the ECHR states that "no person shall be denied the right to education". The current situation, whereby there is no access to schools, amounts to an effective denial of that right for the Roma children concerned. ECRI recalls that a central factor in the impoverishment of Roma is poor access to education. For further information about this settlement, see the section below on Roma.
76. ECRI strongly recommends that the authorities urgently provide free transportation to and from school for the Roma children living at the Polemidia settlement so that they can exercise their right to education in accordance with Article 2 of the Protocol to the ECHR.
77. ECRI is concerned about evidence of a marked increase in racism in schools and among pupils. One report describes a "deep structure of racism" in schools. In 2008 two complaints were filed with the Commissioner for Administration. One involved repeated incidents of racist vandalism and graffiti on school walls creating a threatening atmosphere for vulnerable groups. The other concerned a 13 year old migrant girl who stopped attending school because of racist bullying. In neither case did the school take any action but downplayed the events as delinquent behaviour. In her report, the Commissioner for

Administration criticised the unwillingness of the authorities to identify and tackle incidents of racism in schools. Her recommendations included the immediate setting up of a mechanism to record, evaluate and monitor such incidents in schools.

78. Shortly afterwards the Ministry of Education created an Observatory against Violence to record and analyse episodes of violence in schools and separately record and assess all incidents with a racist and xenophobic content. The Observatory provides assistance to victims and to schools, as well as advice to the media on how to portray such events. ECRI considers this to be a notable example of best practice in combating racism in education. ECRI is also aware of one private initiative taken by the bi-communal English School in Nicosia, which adopted a first anti-bullying policy in the year 2009-10, including bullying related to race or ethnicity.
79. ECRI notes that the European Union Agency for Fundamental Rights, in its 2010 Annual Report, indicated that in an effort towards fairer access to education, the Ministry of Education provided instructions to all public schools to enroll all pupils without exception, irrespective of whether their parents reside in Cyprus legally or illegally and as to whether they can present all necessary documents. The report noted that this constituted a departure from previous policy whereby schools were instructed to request migrant pupils to present the contact details of their parents, in an effort to locate irregular migrants. Despite this positive development, ECRI notes that even public officials have indicated that the new policy is not always applied in practice and the contact details of migrant children are regularly sent to the police. Moreover, the original circular has not been officially withdrawn.
80. ECRI recommends that the circular issued in 2004 requiring schools to report to the immigration authorities the contact details of parents of foreign children who enrol at school is officially withdrawn and all relevant services duly informed.
81. Numerous reports have criticised history books for presenting racist stereotypes and taking an exclusively Greek Cypriot viewpoint. ECRI has issued a recommendation on this in the section below on Education and awareness-raising.
82. Finally, regarding measures to prevent the feelings of exclusion of children who do not attend Greek-Orthodox religion in school and provide them with alternative education, the situation has not evolved since ECRI's third report. Religious instruction in school is Orthodox, but attendance is not obligatory. Greek Cypriot parents who do not wish their children to attend must obtain a dispensation from the Ministry of Education. According to some sources, it is rare for pupils to opt out of religious instruction classes for fear of being different. As a result, alternatives are seldom required. It is up to each school to decide how these children are occupied during the two periods per week in question. ECRI believes that if properly regulated alternatives were provided, the children who do not attend Greek Orthodox religion classes would not feel shamed or excluded.
83. ECRI encourages the authorities to establish state regulated alternatives for pupils who do not attend Greek Orthodox religion classes in order for these pupils not to suffer feelings of shame or exclusion.

Employment

84. In its third report, ECRI recommended that the Cypriot authorities pay particular attention to combating racial discrimination in employment, reiterating its call for initiatives to raise the awareness of the anti-discrimination legislation in force

among workers, and notably those most exposed to the risk of being discriminated against. ECRI encouraged the Cypriot authorities in their efforts to promote the integration of and combat discrimination against people at a disadvantage in the labour market and recommended that the authorities address with targeted measures the specific disadvantage faced by people based on grounds covered by ECRI's mandate.

85. ECRI is pleased to note that steps have been taken to implement the above recommendations. The authorities have informed ECRI that awareness-raising has been high on the agenda. The Social Welfare Services implemented the programme "Dialogues" in the year 2008, in which activities were undertaken within the context of the two EU Anti-discrimination Directives 2000/43 and 2000/78. Furthermore, the Department of Labour participated in the Diversity Day street festival that took place in October 2009, during which the Law on Equality in Employment and Occupation, which deals with discrimination on the grounds of age, sexual orientation, race and ethnic origin, and religion and belief, was presented at workshops and informative material distributed. Furthermore, a number of publications and booklets have been produced giving guidance on employment rights in general, the promotion of diversity and equality in the workplace, and the rights and obligations of foreign employees.
86. However, reports still indicate that asylum seekers, migrant workers, non-white and Muslim Cypriots continue to face widespread discrimination in employment, often attributed to a deep-rooted attitude of protectionism. Indeed, as a result of the economic crisis and rising unemployment (currently 7.2%, of which 25% are EU nationals), ECRI notes that the authorities have introduced, and widely publicised, a scheme whereby employers are given incentives to replace their third country workers with Cypriot or EU nationals. Work permits are not withdrawn, but they are not renewed. ECRI considers that this policy could be interpreted as a signal of the Government's unwelcoming attitude towards foreigners. In order to avoid xenophobic reactions, the authorities should make clear efforts to off-set these measures with positive messages to the public concerning the third country nationals who are not affected.
87. In its third report, ECRI recommended that the Cypriot authorities intensify their efforts to ensure that domestic and other foreign workers are not subject to exploitation and abuse by their employers. To this end, it reiterated its call for fair procedures and effective remedies to be made available to such workers whose contractual or other rights have been breached by their employers.
88. Third country workers are only permitted to work in specific sectors which are by design the lowest echelons of the labour hierarchy. The vast majority of non-citizens work in households as domestic workers or in the farming sector. Agricultural workers are particularly vulnerable as there is little effective monitoring of employment in this sector. Furthermore, work is usually only short-term, poorly paid and involves hard manual labour.
89. As regards foreign domestic workers, ECRI notes with concern that their situation, as described in its third report, has not improved. The 2010 Annual Report of the European Union Agency for Fundamental Rights notes that cases of extreme exploitation of female domestic workers in Cyprus were reported during 2009. Despite the fact that 60 per cent of the migrant population are domestic workers, they continue to be the only category which is not organised in trade unions. In practice it is difficult for this group to organise themselves since each domestic employee works for a different employer (there are approximately 37,000 such workers with 37,000 employers). As a result they continue to be one of the most vulnerable groups of foreign workers.

90. ECRI notes that the authorities are now addressing this issue. The Commissioner for Administration is currently working with the Ministry of Interior and the Ministry of Labour on a new policy concerning domestic workers, which will include the regulation of contracts, salaries and working conditions.
91. ECRI recommends that the authorities complete the new policy to improve the situation of foreign domestic workers as soon as possible and evaluate the effectiveness of the measures in due course.
92. As for other foreign workers, ECRI is aware of many reports highlighting the particular exposure of these employees to mistreatment and exploitation, including long hours, low wages and sub-standard accommodation. Third country nationals can only enter Cyprus with a visa to work for a specified employer for a specific job and a specific period, on condition that no local or EU national is available for the job. As a general rule, according to the terms of their visa, migrants cannot change employer or employment sector. Migrant workers rarely complain to the authorities about mistreatment or exploitation for fear of losing their jobs and consequently their work and residence permits.
93. ECRI notes that, although the law provides for equal pay for foreign and local workers, this is not always applied in practice. Reports indicate that irregular migrant workers are frequently paid wages much lower than those provided for in the collective agreements and that asylum seekers receive approximately half the amount received by Cypriot workers. This may be partly explained by the fact that employers are responsible for providing accommodation for foreign workers and are entitled to deduct up to 10 per cent from the employee's wages. In addition, in case the employer also provides free food, an additional sum of up to 15 per cent may be cut from the salary. Since the minimum wage in Cyprus applies only to a small number of occupations (mostly involving nursing and care of children or the elderly) and collective agreements do not exist in all sectors, ECRI believes that this system leaves a wide margin of discretion to employers.
94. ECRI encourages the authorities to consider amending the legislation relating to the provision of accommodation and food for foreign workers with proportionate deductions from their salaries, to ensure de facto equal pay with Cypriots.
95. Asylum seekers have access to the labour market six months after the submission of their application for international protection. ECRI acknowledges that this is more lenient than required under the EU Council Directive 2003/9/EC, which sets out that if a decision at first instance has not been taken within one year, access to the labour market should be granted. However, ECRI considers that six months without access to employment contributes to asylum seekers' dependence on welfare and increases their negative image in society¹⁰. In order to promote self-sufficiency and counteract negative attitudes towards asylum seekers, the authorities are encouraged to consider the possibility of allowing them access to employment sooner than the current six months after lodging their asylum application.
96. Employment for asylum seekers used to be limited to the agricultural sector only. In October 2008, after asylum seekers filed complaints to the Commissioner for Administration, the law was amended to allow them to be employed in five sectors: agriculture, manufacturing, waste management, wholesale trade-repairs, and other fields¹¹. While ECRI welcomes the extension

¹⁰ See § 116.

¹¹ Agriculture (agricultural labourers, animal husbandry labourers, fishery labourers); Manufacturing (forage production labourers); Waste Management (drainage and waste processing labourers, garbage and trash collection and processing labourers, recycling labourers, offal processing labourers); Wholesale

of permitted areas of work, it nevertheless notes that all the sectors involve unskilled and hard labour.

97. Asylum seekers who refuse an available job can be cut off from state benefits, as they are deemed to be “wilfully unemployed”. According to NGOs, this happens regularly, since only employers are required to fill in records of job interviews. If they do not wish to hire asylum seekers, they can state that the person refused the job.
98. Furthermore, it is reported to be very difficult for asylum seekers with health problems to be dispensed from the requirement to work in one of the permitted fields. A possibility of “light work” has recently been introduced, but in practice this is rarely offered due to administrative difficulties (see section below on Asylum seekers).
99. ECRI recommends that the authorities adopt a less restrictive approach to the employment of asylum seekers and take measures to facilitate their integration into the job market.
100. In its third report, ECRI recommended that the Cypriot authorities discontinue any practice consisting in requesting from people who apply for employment information relating to their religion that does not serve any legitimate purpose.
101. ECRI is pleased to note that this practice appears to have ceased. One of the information booklets mentioned above specifically warns employers, when advertising positions, not to include questions on religious beliefs unless these criteria can be objectively justified.
102. Finally, ECRI notes an initiative to address exploitation in employment. In 2009 the Ministry of Labour, acting on this concept, set up a free phone hotline for people to report, in a confidential or anonymous manner, on such matters. During the course of 2009, 380 calls were received and examined. According to the authorities, some employers have been prosecuted as a result. ECRI welcomes this measure as long as it is used to reveal exploitation and mistreatment by employers.

Housing

103. ECRI has received reports indicating that there is considerable racial discrimination as well as exploitation in the area of housing. Foreigners frequently report great difficulties finding accommodation in the private market. The Anti-Discrimination Body noted in its 2008 annual report that 74 per cent of all complaints received during that year concerned access to goods and services, including housing.
104. ECRI notes that no housing policy has been adopted for migrants in general. Furthermore, it has been informed that legislation was introduced in 2009 criminalising the renting of premises to irregular migrants. While ECRI understands that this measure is aimed at combating trafficking, it considers that the effect may be to deny irregular migrants any access to housing. It may also adversely affect regular migrants, as private landlords may not wish to risk renting properties to them. ECRI considers that this issue clearly demonstrates the importance of developing a comprehensive housing policy for migrants.
105. As concerns asylum seekers, NGOs report that the majority face severe difficulties in securing adequate accommodation. According to the Refugees

Law (Conditions of Reception of Asylum-seekers Regulations) of 2005, the Government has the obligation to provide them with housing during the processing and examination of their asylum application. The Social Welfare Services are responsible for providing information and support for finding accommodation. However, there is no official body responsible for the implementation of this obligation. According to the authorities, the housing rights of asylum seekers are guaranteed by granting a “rent supplement” with their welfare benefits. In practice, however, due to frequent delays in the receipt of welfare benefits (see section below on Asylum seekers), asylum seekers do not have the means to rent accommodation and rarely meet the administrative requirements of producing an officially stamped lease agreement and proof of rent payment in order to obtain rent benefit.

106. ECRI recommends that the authorities develop a comprehensive housing policy for migrants and asylum seekers, and designate a body to provide housing services.

Health

107. ECRI notes indications of racist and xenophobic tendencies in the healthcare system.

108. Language barriers sometimes complicate access to healthcare for foreigners. The 2010 Annual Report of the European Union Agency for Fundamental Rights stated that treating patients in minority languages has proved to be problematic and that in some hospitals medical personnel have refused services to patients who were not able to communicate in Greek.

109. Healthcare is free of charge for those whose salaries are below a certain threshold. However, reports indicate that the standard policy is to refuse migrants free healthcare even if their salary is below that threshold.

110. Although asylum seekers and refugees are entitled to free healthcare on the same footing as Cypriot and EU nationals, both governmental and non-governmental organisations have expressed concern that asylum seekers and refugees are consistently refused special treatment abroad when the medical treatment or procedure required cannot be provided in Cyprus.

111. ECRI recommends that the authorities ensure that asylum seekers and refugees are afforded the same medical treatment as Cypriot and EU nationals, in accordance with the law, including special treatment abroad where the required services do not exist in Cyprus.

112. As regards Turkish Cypriots, ECRI commends the positive steps taken in the field of healthcare in respect of this community. Whereas Greek Cypriots are subject to means testing, healthcare is free of charge for all Turkish Cypriots (including Roma), whether they reside in the Government-controlled area or in the northern part of the island¹².

III. Racism in Public Discourse

Climate of opinion and political discourse

113. In its third report, ECRI reiterated its call on the Cypriot authorities to take measures to research and address racist and xenophobic attitudes among the general public and the negative climate of opinion towards immigrants in Cyprus. In particular, it recommended that the Cypriot authorities refrain from

¹² See § 131.

using racist or xenophobic discourse in public debate and that they react promptly and effectively to any instances where this type of discourse is used.

114. According to various unofficial sources, there is a rise in xenophobia in Cyprus and “raw” racist attitudes are expressed more openly than in the past. The main targets of racism in public discourse are migrants, asylum seekers and refugees. ECRI notes that the results of a recent survey reported in the press in July 2010 revealed that more than half of school pupils considered migrants to be “dirty”, “dangerous” and “uncivilised”.
115. No effort is made to distinguish between different groups of immigrants. Public debate simply centres on the “floods” of foreigners invading Cyprus and all migration is equated with illegal migration, criminality and unemployment. This image is reinforced by certain action on the part of the authorities, such as the highly publicised mass round-ups of migrants by police (see Conduct of law enforcement officials).
116. The portrayal of asylum seekers, in particular, as “scroungers” dependent on welfare benefits fuels negative attitudes towards them. Recently an extract of the welfare statement of an asylum seeker was circulated widely by email, showing monthly benefits amounting to more than the average Cypriot earned in a month and provoking public outrage. What the extract omitted to show was that the sum covered a period of many months and had to sustain the asylum seeker and his dependents. Following this, three opposition parties submitted a request to Parliament to reduce the benefits granted to asylum seekers and refugees. ECRI regrets that such incidents mislead the public and incite xenophobia.
117. ECRI recommends that the authorities run awareness-raising campaigns to promote a positive image of asylum seekers and refugees. It encourages the authorities to commit to a more balanced public debate on asylum, ensuring that the need for international protection is understood and respected.
118. ECRI notes that there are xenophobic tendencies in two mainstream political parties, one large and one small, while the only far-right military-style political party, National People’s Front (ELAM), is gaining prominence. In December 2009 it held a demonstration in Nicosia against illegal immigration. Supporters chanted slogans such as “Foreigners out of Cyprus”. The media reported the ELAM representative saying, “we don’t want further adulteration of the Greek race in Cyprus”.
119. The Cypriot authorities are aware of a rise in prominence of certain extremist groups. Some are ultra nationalist and anti-immigration pressure groups, targeting in particular Turkish Cypriots. Most are said to be branches of extreme right nationalist organisations in Greece, such as “Golden Dawn”. However, the authorities reported that they found no cause for alarm and considered that upholding the freedom of speech was paramount. No monitoring of the activities of these groups is carried out, no cases have been prosecuted relating to hate speech or threats and there are no moves to ban such organisations.
120. ECRI recommends that the authorities undertake efforts to monitor the activities of extremist groups and take action to condemn in moral terms but also to prevent and punish expressions of incitement to hatred against persons or groups of persons on account of their ethnic origin, language or religion.

Media, including the Internet, and publications

121. In its third report, ECRI encouraged the Cypriot authorities to impress on the media, without encroaching on their editorial independence, the need to ensure

that reporting does not contribute to creating an atmosphere of hostility and rejection towards members of any minority groups. ECRI encouraged the Cypriot authorities to engage in a debate with the media and members of other relevant civil society groups on how this could best be achieved.

122. ECRI notes that there is wide publication in Cyprus of xenophobic articles and sensationalism continues to be common in the media. As observed above, the Commissioner for Administration was instrumental in the drafting of a code of ethics for the media in close consultation with journalists. The code states that the media should avoid references to minorities, religion and ethnic origin in reporting. While ECRI welcomes this measure, it stresses the need to evaluate the impact of the code in practice.

123. ECRI recommends that the authorities evaluate whether the new code of ethics for the media constitutes an effective means of combating racist and xenophobic discourse in the media and strengthen it if necessary.

124. ECRI notes that extreme nationalist websites, such as the Hellenic Nationalist Blog, engage in hate speech and racist verbal attacks against Turkish Cypriots. While ECRI welcomes the ratification by Cyprus of the Additional Protocol to the Convention on Cybercrime concerning the criminalisation of acts of racist or xenophobic nature committed through computer systems, it notes that the legislation has not so far been applied. The authorities are encouraged also to draw inspiration from ECRI's General Policy Recommendation No. 6 on combating the dissemination of racist, xenophobic and antisemitic material via the Internet.

125. ECRI recommends that the authorities take steps to prevent the Internet from being used to disseminate racist and xenophobic comments and material and to prosecute the perpetrators of such acts.

IV. Racist Violence

126. As already noted, accurate data on racial crime is difficult to obtain. On the one hand, many unofficial sources indicate that there has been an escalation in racist violence in recent years. NGOs report that migrants are particularly subject to serious violent crimes in considerably greater numbers than police records show. Cases have also been reported of Turkish Cypriots targeted for attack. On the other hand, ECRI is pleased to note that there is very little expression of antisemitism or Islamophobia in Cyprus and no incidents of racist violence against the Roma have been recorded recently.

127. Regarding violence against Turkish Cypriots, the authorities have assured ECRI that isolated incidents committed by individuals have been unreservedly and unequivocally condemned by the political leadership.

128. The increase in racist violence is attributed to a rise in extremist groups along with a reluctance on the part of the authorities to prosecute persons for offences related to racism or xenophobia, thus creating an atmosphere of impunity and demonstrating a lack of will to combat racism and racial discrimination.

129. One of the most serious incidents of racist violence since ECRI's third report occurred in December 2008 and involved a savage attack on a 14 year old Cypriot girl of African descent by a group of 40 teenagers, who also shouted racist insults during the assault, after a school volleyball game. The girl was treated for her injuries in hospital. As the Cyprus police generally refrain from arresting minors under the age of 16, no arrests were made in connection with the attack and the Attorney General decided that there were no grounds for criminal court proceedings on account of the age of the pupils involved and the

witnesses' contradictory statements. ECRI notes that although teachers attributed the incident to a manifestation of youth delinquency, the Minister of Education took a firm stand and publicly condemned the attack as racist. The report of the Commissioner for Administration considered that the police inquiry focused exclusively on whether racist comments had been made, rather than on trying to ascertain the presence or not of a racist motivation on the basis of a number of factors. The police were also criticised for effectively discouraging the victim's father from lodging a complaint. The report concluded that as long as such incidents are not addressed and their nature not accepted, confusion and impunity are promoted and the phenomenon of racist violence would be reproduced and multiplied.

130. ECRI recommends that the authorities ensure that all acts of racist violence are thoroughly investigated with a view to prosecution and the perpetrators duly punished.

V. Vulnerable/Target Groups

131. As already pointed out in ECRI's previous reports, the situation prevents ECRI from covering the circumstances of populations living in the northern part of the island, as this territory is currently not under the effective control of the Cypriot authorities to whom the present report is addressed.
132. ECRI notes that the Government-controlled areas of Cyprus contain around 140,000 people who do not belong to the ethnic Greek Cypriot majority. There are also estimated to be around 30,000 undocumented migrants (over-stayers, rejected asylum seekers and otherwise irregular migrants).

Turkish Cypriots

133. As observed in ECRI's third report, the restrictions to freedom of movement across the cease-fire line ("Green Line") were partially lifted in April 2003. In March 2008, negotiations to solve some of the most crucial issues of the Cyprus question resumed. The Ledra Street crossing in Nicosia, which had been considered a symbol of the division for decades, was opened on 3 April 2008. ECRI notes that this event has had a significant positive impact on contacts between the two communities. It is estimated that around 1000 Turkish Cypriots currently live in the Government-controlled area and several thousand cross over to work in the Government-controlled area every day.
134. In its third report, ECRI recommended that the Cypriot authorities (i) address problems of racism and racial discrimination facing Turkish Cypriot citizens, in particular in respect of the following areas: the conduct of law enforcement officials, access to services, employment discrimination, availability of information in the Turkish language, reinstatement in and compensation of property; (ii) recognise and adequately address problems of direct and indirect discrimination against the members of the Turkish community, including as a way to facilitate further the process of reconciliation and the restoration of confidence between this community and the Greek Cypriot community; (iii) take a more proactive approach to developing contacts and good relations between the Greek and Turkish Cypriot communities and intensify their initiatives specifically aimed at involving members of the Greek and Turkish Cypriot communities in dialogue and joint activities in different fields of life; (iv) support civil society organisations active in the field of promoting dialogue and reconciliation.

135. Many of the above issues have been addressed in other parts of this report where specific reference has been made either to particular difficulties for Turkish Cypriots or to measures in favour of Turkish Cypriots. The following are additional issues relating to this community which ECRI wishes to highlight.
136. On the positive side, ECRI notes that Turkish Cypriots enjoy the benefits of a wide spectrum of services and benefits provided by the Government in addition to those already mentioned, including Government contributions to social insurance, pensions and social security benefits (maternity, unemployment, sickness). Other positive measures aimed specifically at this community include repairs to and maintenance of mosques, cemeteries and Turkish Cypriot properties. Although ECRI regrets that more has not been done in terms of providing information in the Turkish language, ECRI welcomes the broadcasting of television and radio programmes in Turkish.
137. ECRI notes an important initiative aimed at providing social services to both Turkish Cypriot and Greek Cypriot communities in Limassol. The “Bi-communal Community Centre” was set up in 2006 in the heart of the old Turkish Cypriot quarter, where primarily Turkish Cypriots (including Roma) and migrants reside. It is run by an NGO and is funded by the municipality, the Government and private donations. As well as being an informal place for social gathering, it offers advice and support, and a variety of training programmes for children, teenagers, women, families and the elderly, focused in particular on learning the Greek language and gaining computer skills. The Centre is open every weekday and two afternoons per week a social worker and psychologist are present. ECRI was informed that the relaxed atmosphere and informal programmes attracted many Roma women and children and played a significant role in increasing their confidence, skills, job opportunities and general integration. ECRI was impressed by the devoted and dynamic staff and considers this a particularly important example of good practice in promoting the improvement of vulnerable groups.
138. ECRI was informed that the Centre plans to expand its premises and training programmes to accommodate the large number of applicants.
139. ECRI strongly encourages the authorities to provide increased funding to the Bi-communal Community Centre, in order for it to expand its operations and maximise the benefits for as many people as possible.
140. Lastly, ECRI would like to point out that the authorities strongly reject allegations that there is direct or indirect discrimination against members of the Turkish Cypriot community. They insist that recent polls have repeatedly shown that Cypriots are not hostile towards each other.

Roma

141. In its third report, ECRI recommended that the Cypriot authorities take steps to improve the situation of the Roma and combat and prevent racism and racial discrimination against this part of the population of Cyprus. ECRI drew the attention of the Cypriot authorities to its General Policy Recommendation No. 3, which proposes a range of legislative and policy measures which Governments can take to this end.
142. The Roma in Cyprus have largely been ignored, avoided and marginalised in society. They have never been recognised as a national minority, religious group or anything that refers to their identity and culture. Nor are they recognised as a “Roma” community, but considered part of the Turkish Cypriot community. In 2003, when checkpoints were opened, many Roma moved to the

Government-controlled area. According to information received from the authorities, 160 Roma currently reside in the Paphos District and 700 in the Limassol District.

143. ECRI regrets that the Roma continue to face widespread prejudice and discrimination in all areas of life. The lack of any policy or measures to assist them specifically is attributed by the authorities to the fact that the Roma, as part of the Turkish Cypriot community, may benefit from all the measures put in place to assist and support that community. In addition, the authorities have stated that the frequent movement of the Roma between the Government-controlled area and the north of the island makes any concrete action difficult to organise and sustain.
144. Regarding housing, available data shows that no Roma live in encampments. Obtaining housing in the private sector is reportedly next to impossible for them. Therefore, they live either in abandoned Turkish Cypriot properties administered by the Government or in prefabricated houses in specially designated Roma settlements. One such settlement is located in Limassol and the other in Paphos, consisting in total of 40 prefabricated housing units. These are equipped with basic amenities such as water, electricity, sewage systems and solar heaters. Accommodation is free of charge. According to some sources, the Roma were relocated to remote areas primarily to satisfy the local communities, who treated them with hostility and did not wish to live close to them.
145. As already mentioned, the ECRI delegation visited the housing project near the town of Polemidia, outside Limassol. It is the site of a former rubbish dump, away from any village or town and totally isolated from other communities, with no access to any form of public transport.
146. As for living conditions, ECRI notes that all of the prefabricated housing units, each consisting of two small rooms, a kitchen and bathroom, appeared to be in good repair with the necessary amenities. However, considering that around 300 people are said to be living at the site, ECRI notes that the provision of 16 housing units is totally inadequate. A number of other makeshift houses of corrugated iron had been established on the outskirts of the complex.
147. The inhabitants complained primarily about the sanitary conditions and lack of access to education for their children (see section above on Education). The delegation noted, at the time of the visit, that sewage from a septic tank at the entrance to the settlement was overflowing into the only road servicing the area. The inhabitants claimed to have made numerous complaints to the authorities but nothing had been done. They reported health problems as a result.
148. ECRI is deeply concerned by the existence of this Government housing project for Roma which constitutes *de facto* segregation. It notes a number of serious failings which must be addressed as a matter of urgency. Many of the Roma interviewed expressed a wish to return to the old Turkish Cypriot quarter of Limassol which, although also a deprived area, at least permitted contacts with other communities as well as access to employment, healthcare facilities and schools.
149. ECRI urges the authorities to enter into dialogue with the Roma community concerned to address the most pressing aspects and find a mutually acceptable long-term solution, with a view to closing down the settlement and moving the inhabitants to standard housing in Limassol where they can be integrated with the rest of the population. It is essential that the authorities ensure that the Roma actively participate in the decision-making process affecting them.

150. ECRI strongly recommends that the authorities commence consultations with the Roma community at the Polemidia housing settlement with a view to closing it down and moving the inhabitants to standard housing in Limassol where they can be integrated with the majority population.
151. This should be accompanied by a wide range of measures to ensure that manifestations of racism and intolerance against the Roma do not recur. The authorities are encouraged to look to ECRI's General Policy Recommendation No. 3 on combating racism and intolerance against Roma/Gypsies for guidance.
152. Regarding employment, the majority of the Roma population are unemployed. This is attributed to their almost total illiteracy. Most men collect scrap metal or undertake manual jobs. It is said that no Roma women at all are employed. ECRI notes that in the summer of 2008 and every summer since, the Limassol Municipality has employed Roma to clean streets and public areas in the Turkish Cypriot quarter. The measure has reportedly been popular and many Roma have participated. ECRI encourages the authorities to consider further ways to find regular employment for the Roma.
153. ECRI notes that there are no Roma NGOs or any other organisation specifically representing or assisting the Roma in Cyprus.
154. ECRI recommends that the authorities support the activities of NGOs which play a role in combating racism and intolerance against Roma and which provide them with assistance.

Armenians, Latins and Maronites

155. In its third report, ECRI recommended that the Cypriot authorities pursue and intensify their efforts to meet the needs of the members of the Armenian, Latin and Maronite communities and to ensure that the members of these communities may fully exercise their rights. To this end, ECRI recommended that the Cypriot authorities co-operate as closely and effectively as possible with the representatives of these communities.
156. ECRI recalls that the Third Opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities, adopted on 19 March 2010, and the second monitoring cycle Report of the Committee of Experts on the European Charter for Regional or Minority Languages, adopted on 23 September 2009, deal with many issues concerning these communities, including the alleged difficulties concerning the organisation of their schools.
157. ECRI notes that the three religious groups generally enjoy positive relations with the authorities and complete freedom to exercise their religion. They expressed concern that their communities were either not mentioned at all or referred to only very briefly in school textbooks. This contributed to the general ignorance about them among the majority population. ECRI notes that there is a proposal currently before the Parliament to give the Representatives of the three religious groups the right to express either a positive or negative opinion on issues concerning their communities.

158. While ECRI is pleased to note that some positive steps¹³ have been taken, demonstrating that the attitude of the authorities towards minorities is benevolent, ECRI feels that more could be done to raise awareness about the religion and culture of the Armenians, Latins and Maronites.

Pontian Greeks

159. In its third report, ECRI recommended that the Cypriot authorities pay attention and address problems of racism and racial discrimination facing Pontian Greeks.
160. According to both NGOs and public officials, the economic crisis has led to many Pontian Greeks, who lived predominantly in Paphos, leaving Cyprus. The problems raised in ECRI's third report appear no longer to be an issue.

Non-citizens

- Legal status (work and residence permits) and integration

161. In its third report, ECRI urged the Cypriot authorities to adopt a comprehensive immigration and integration policy. In addition to regulating the entry and stay of immigrants with full respect of their human rights, such a policy should establish the necessary legal and institutional framework for their support and for promoting mutual integration between immigrants and the rest of Cypriot society.
162. The authorities have informed ECRI that immigration in Cyprus is intrinsically linked to the needs of the labour market. Cyprus first opened its doors on a large scale to third country migrant workers in the early 1990s when there was a demand for unskilled workers, particularly in the construction sector. Migrants were granted short-term work and residence permits to work for specific employers in specific sectors for a maximum period of four years. As this was intended only as a temporary measure until the economy recovered, there was never any need to develop an integration policy. However, with an estimated 20 per cent of the population in Cyprus today being non-citizens, the authorities recognise the need to develop policy in this field.
163. In 2000, work permits were extended to a maximum of six years. In the following years record numbers of migrants came to Cyprus, followed by EU nationals after accession in 2004. In 2005, the Government decided to reduce immigration possibilities and returned to the former four year policy. As a general rule, there is no extension possible. In exceptional cases, extensions of one year at a time can be obtained.
164. The reduction from six to four year work and residence permits coincided with the entry into force of the obligation under Council Directive 2003/109/EC for Member States to grant long-term residence status to third-country nationals who have resided legally and continuously within their territory for five years. Cyprus has been criticised by a number of civil society organisations for making it extremely difficult to obtain this status. According to one report, only 124 persons have been granted long-term residence status since 2006.

¹³ In November 2008, the Cypriot Maronite Arabic language was formally declared to be a minority language within the meaning of the European Charter for Regional or Minority Languages.

165. Furthermore, since the January 2008 decision of the Supreme Court¹⁴ to refuse long term residence status to a migrant woman irrespective of the fact that she had been residing lawfully and continuously for more than five years, because her residence permit was marked “final not renewable”, no migrant has been granted the status of long term resident. ECRI notes that, although this is not contrary to the Directive, it demonstrates a very restrictive policy towards immigrants.
166. In practice, after the expiry of work and residence visas, many foreign workers stay on, thus entering into illegality. Although the Minister of Interior has absolute discretion to regularise these people, legal status is seldom regained. Others reportedly leave Cyprus but return under new identities with falsified documents. The authorities have indicated that this is a common phenomenon.
167. While ECRI notes that the authorities consider the proper legal framework in terms of international conventions, EU acquis and national legislation, primarily the Aliens and Immigration Law and the Refugee Law, to be in place, it is encouraged to learn that a committee of experts is currently in the process of negotiating the country’s first comprehensive integration policy, in cooperation with the Commissioner for Administration. This will involve a three year action plan of implementation, focusing *inter alia* on Greek language classes, awareness raising by the media, and education of foreign children.
168. ECRI encourages the authorities to base the new integration policy on a two way approach, promoting mutual recognition between the majority Cypriot population and the immigrant groups concerned.
- *Measures to combat irregular migration*
169. ECRI notes that since there is a policy for migrant workers’ visas not to be extended beyond four years, making the chances of obtaining citizenship for third country nationals virtually impossible, a “marriage industry” is said to have grown up between third country nationals and Cypriots. The authorities have reported efforts to combat “sham marriages”, including the requirement for a certificate of cohabitation and an investigation conducted by the local authorities before citizenship is granted.
170. Moreover, ECRI is concerned about plans to combat sham marriages before they even take place. A bill is in preparation to introduce the obligation for all third country nationals wishing to marry Cypriot or EU nationals to pass premarital interviews for the authorities to ensure that the proposed union is not a marriage of convenience for the purpose of obtaining citizenship. ECRI considers that the proposed legislation constitutes discrimination based on nationality. It may also be an impediment to the enjoyment of the right to marry under Article 12 ECHR.
171. ECRI strongly recommends that the authorities revise their legislative plans to adopt a policy requiring third country nationals wishing to marry Cypriot or EU citizens to pass a premarital interview with the migration authorities before being given permission to marry.
- *Asylum seekers and refugees*
172. In its third report, ECRI made a large number of recommendations related to asylum seekers, namely that the authorities (i) ensure that adequate human and financial resources are available to deal effectively and within a reasonable time with all asylum applications; (ii) ensure that asylum seekers only be detained

¹⁴ *Cresencia Cabotaje Motilla v. Republic of Cyprus* (21.01.2008).

when it is absolutely necessary and that measures alternative to detention be used in all other cases; (iii) take urgent measures to ensure that the right of persons to apply for asylum is thoroughly respected; (iv) ensure that clear information on the rights of asylum seekers and the procedures to apply for asylum is available in a language that asylum seekers understand at police stations and at all places where they may apply for asylum; (v) increase training of the police in human rights, including asylum and non-discrimination issues; (vi) ensure that any alleged instance of ill treatment of asylum seekers by police officers is thoroughly and rapidly investigated and that the persons found responsible are duly punished; (vii) take measures to improve asylum seekers' access to free or inexpensive legal aid and representation; (viii) take urgent measures to ensure that asylum seekers can access in practice all rights to which they are entitled by law, including in such areas as healthcare provision, welfare services, education and employment; (ix) ensure that asylum seekers are not discriminated against in exercising the right to employment granted to them by law, underlining that any measures taken by the Cypriot authorities with respect to asylum seekers' access to employment and welfare benefits should not push these persons towards illegality; (x) ensure that the asylum seekers' right to protection from *refoulement* is thoroughly respected and that deportations are not carried out before asylum procedures at all instances are completed; (xi) refrain from adopting deterrent policies in the field of asylum and from presenting any asylum policies to the public as deterrent policies.

173. ECRI notes that relatively little has changed in respect of the numerous concerns raised in its third report. Some of the above issues have already been addressed in other parts of this report. Below are some additional observations relating to asylum seekers.
174. The authorities have informed ECRI that a number of measures have been adopted to deal with the pressures on its asylum system aiming at achieving a fair, fast and efficient asylum procedure. The Asylum Service was reinforced with additional staff. Eligibility officers were posted at the points of submission of asylum applications and a high number of asylum applications are now examined on the spot. These efforts have resulted in a significant reduction in the backlog of pending cases. According to statistics provided by the Asylum Service, there were 9411 pending cases in 2006, while in March 2010 the number was 1077.
175. ECRI is pleased to note that there is a close cooperation between the Asylum Service and the UNHCR, which has unrestricted access to files and can present its views on cases.
176. ECRI notes that during the first six months following submission of the asylum application (during which employment is prohibited), asylum seekers can live in the only reception centre in Cyprus in the village of Cofinou. There have been complaints about the remoteness of this facility, making contacts with the local community difficult. The only service offered is Greek language courses. ECRI notes that the authorities are planning to set up a reception centre for asylum seekers in Larnaca. This is intended to be a "one stop shop", where all the needs of asylum seekers can be met from the first day and all services provided in one place.
177. As regards information on asylum, the authorities have informed ECRI that the police provide to all persons in detention an information leaflet which is available in 10 languages (Arabic, Bulgarian, Chinese, English, Farsi, French, Greek, Romanian, Russian and Turkish). However, according to other organisations and NGOs, access to information about the possibility of seeking asylum is difficult as the leaflets are not properly distributed or readily available.

In addition, the leaflets are lengthy (11 pages of A4) and the information is outdated. There is also no list of supporting NGOs and no contact details of the equality body for submitting complaints. ECRI is encouraged to learn that the leaflets are being redrafted.

178. Concerning welfare, asylum seekers have the right to public assistance upon submission of the application for asylum, since for the first six months they do not have any access to the labour market. According to statistical data provided by the Social Welfare Services, the number of asylum seekers who are public assistance recipients has increased from 1500 in 2008 to 2506 in 2009.
179. The monthly public assistance allowance covers expenses for housing, food, clothing and a personal subsistence allowance for the recipient and any dependants. To obtain welfare benefits, asylum seekers have to have a valid address, which is impossible for many who are homeless (see the section above on Housing). ECRI has also learned that, due to chronic under-staffing at the welfare office, it takes an average of four months before requests for welfare assistance are processed and received by asylum seekers. This clearly pushes many asylum seekers into finding irregular work for survival.
180. ECRI urges the authorities to find a way to speed up the processing and receipt of welfare assistance so that asylum seekers are not pushed towards illegality.
181. ECRI notes the tragic death of an asylum seeker in September 2010. Initial reports indicate that the case involves administrative problems and lack of coordination between the welfare and labour offices of the Ministry of Labour and Social Insurance. The diabetic asylum seeker had been receiving healthcare and welfare assistance from 2005 until June 2010. In June 2010, he was told by the welfare office that he had to carry out light work in order to receive benefits. The labour office claimed that asylum seekers were only eligible for manual labour and offered him a job which he refused. During the disagreement between the two offices, the asylum seeker's benefits were cancelled. His medical card ensured that he could still receive insulin, but his financial situation meant that he could not afford the regular meals needed to control his illness. He died following a diabetes-induced coma.
182. Following this incident, the authorities have informed ECRI that all cases in which an asylum seeker applying for welfare benefits suffers from a medical condition making him or her unable to work or only able to perform light work would be referred to a medical board for assessment. Pending the decision of the medical board, the asylum seeker would receive public assistance.¹⁵ ECRI welcomes this immediate remedial action on the part of the Cypriot authorities, and encourages them to ensure in all cases that welfare assistance is not cut off until it is certain that an asylum seeker has other means of financial support.
183. As for legal aid, this is not available in administrative proceedings. ECRI notes that the first two instances in the asylum procedure, before the Asylum Service and the Refugee Reviewing Authority, are both administrative proceedings. The authorities have stated that according to the Refugee Law, an applicant has the right to have a lawyer or legal advisor at his/her own cost during all stages of the asylum procedure and that asylum seekers have access to free legal aid through the programmes funded by the European Refugee Fund and the Republic of Cyprus. In reality, however, few asylum seekers have the financial resources to engage private lawyers and there are only two NGOs functioning in the country with an interest in assisting asylum seekers.

¹⁵ Although this report covers the situation up to 9 December 2010, ECRI considered it important to include this information which was brought to its attention by the Cypriot authorities.

184. ECRI recommends that the authorities offer greater support to civil society organisations interested in assisting asylum seekers.
185. A person whose asylum application is rejected at second instance may appeal to the Supreme Court for judicial review. The recent Law 132(I)/2009 amended the Legal Aid Law of 2002, in accordance with the EU Council Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status, to extend eligibility for free legal aid, including advice, help and representation, to asylum seekers and refugees in appeals before the Supreme Court. ECRI notes that applications for legal aid are subject to a means and merits test: asylum seekers must demonstrate that they lack sufficient financial resources and that the appeal is likely to succeed.
186. International and civil society organisations have reported major difficulties in the application of the new legislation. Firstly, no information has been provided to asylum seekers of the new legal aid possibility. Secondly, since most asylum seekers do not have sufficient command of the Greek language, it is almost impossible for them to formulate a successful legal aid application, particularly as regards the merits test. Thirdly, it is reported that as soon as a negative second instance decision is taken, a deportation order is faxed to the police and rejected asylum seekers are frequently arrested before they even receive the letter informing them of the negative decision of the Refugee Reviewing Authority or have a chance to appeal to the Supreme Court. Filing an appeal in any case does not have a suspensive effect on the deportation order. This raises questions concerning respect of the principle of non-refoulement. The authorities, however, have assured ECRI that the Asylum Service takes all necessary measures to ensure that the principle of non-refoulement is fully respected and that no deportation takes place before the examination of an asylum case is completed. Lastly, if legal aid is granted there is no list of lawyers specialising in asylum for asylum seekers to choose from.
187. ECRI understands that only two asylum seekers have been granted legal aid since the adoption of the amendment in December 2009 and around 100 have represented themselves before the Supreme Court without legal aid. Moreover, very few decisions have been made by the Supreme Court to send a case back to the Refugee Reviewing Authority.
188. ECRI recommends that the authorities ensure that asylum seekers have access to appropriate legal aid throughout the asylum application procedure and not just at the appeal stage.
189. ECRI recommends that the authorities ensure that asylum seekers are fully aware of the availability of legal aid to challenge negative asylum decisions before the Supreme Court.
190. As for ill treatment of asylum seekers by police, ECRI has been informed that this is now limited to rare isolated incidents.
191. ECRI notes with concern a new development concerning separated or unaccompanied minors. In asylum proceedings these minors must be represented by the Commissioner for Children's Rights, who was employing private lawyers for this purpose. The Asylum Service claimed that this was not in accordance with the law and the Commissioner for Children's Rights must use its own staff to represent the children in question. As the Commissioner has no legally qualified staff, the procedure for interviewing children to determine their refugee status has ground to a halt. Around 30 children remain in a state of legal limbo.

192. ECRI recommends that the authorities find a solution as rapidly as possible concerning the legal representation of separated or unaccompanied minors in the determination of their asylum applications.

- *Detention and deportation*

193. In its third report, ECRI strongly recommended that the Cypriot authorities ensure that deportations are carried out in all cases with full respect of the human rights of the persons concerned and taking into consideration their individual circumstances, including family ties, length of stay and health conditions. It recommended that persons detained in view of deportation are not kept in detention beyond the time strictly necessary in order to carry out the deportation. Finally it encouraged the Cypriot authorities to consider the possibility of establishing a special procedure which would allow a number of immigrants to re-gain legal status in Cyprus.

194. Non-citizens are detained either in Block 10 of the Central Prison of Nicosia or in police stations around the country. ECRI notes that the latter are not designed for long term detention and are totally inappropriate. The majority of detained non-citizens are “prohibited immigrants”, imprisoned *inter alia* for petty offences, such as irregular stay and illegal work, for the purpose of deportation under the Aliens and Immigration Law. Many are also asylum seekers who may be detained under the provisions of the Refugee Law for the purpose of verifying their identity or, in case of rejected asylum seekers, pending deportation. Asylum seekers who engage in irregular work are treated in the same way as migrants. Lastly, there is a category of detainees who cannot be deported because they do not have, or cannot obtain, the necessary travel documents from their countries of origin.

195. As administrative decisions, detention and deportation can be appealed at the Supreme Court. However, as observed in ECRI’s third report, an appeal has no suspensive effect, unless an interim injunction is granted by the Supreme Court.

196. In response to criticism from a number of international human rights bodies concerning the lengthy detention in inadequate conditions, overcrowding, problems with food, hygiene and visits, in particular from NGOs, the Minister of Interior announced in May 2008 that if deportations could not be executed in a reasonable amount of time (generally six months) the Government would release undocumented migrants and rejected asylum seekers and give them work and residence permits for a limited period of time, provided they had not been found guilty of a crime.

197. While ECRI welcomes this positive development, it notes also that released detainees face a number of challenges related to employment requirements and access to welfare, which can result in their resorting to taking up irregular work and entering into illegality. ECRI is of the opinion that this measure is certainly a step in the right direction but requires proper legal regulation if it is to be a workable solution.

198. ECRI recommends that the authorities establish legal provisions regulating the release of detainees who cannot be deported within a fixed amount of time and providing the necessary assistance.

199. Migrants facing deportation may appeal to the Supreme Court. At present, there is no legal aid available for such appeals. The authorities have informed ECRI that there are plans to extend legal aid also to migrants when having recourse to the Supreme Court.

200. ECRI encourages the authorities to pursue their plans to extend legal aid to migrants in appeals against deportation before the Supreme Court.
201. In its third report, ECRI recommended that the Cypriot authorities provide wider support, including financial support, to civil society organisations active in defending the human rights of asylum seekers and immigrants in Cyprus. It has already been noted that there are only two NGOs actively assisting immigrants and asylum seekers. ECRI regrets that they receive very limited funding and support from the Government.
202. ECRI recommends again that the authorities provide wider support to civil society organisations active in defending the rights of immigrants and asylum seekers.

VI. Conduct of Law Enforcement Officials

203. In its third report, ECRI reiterated its recommendation that the Cypriot authorities set up an independent mechanism, totally separate from the police structures and with due respect to the competences of the Commissioner for Administration, for investigating allegations of police misconduct, including racist or racially discriminatory behaviour.
204. ECRI is pleased to note that the Independent Authority for the Investigation of Complaints and Allegations concerning the Police was established by law in 2006. It has competence to investigate complaints relating to police misconduct, including bribery, corruption, unlawful financial gain, violations of human rights, abuse of power, preferential treatment, and conduct undermining the reputation of the police. It also has the power to act *ex officio* and initiate its own investigations. In addition to its investigative work, the Independent Authority frequently makes recommendations to the police following the investigation of certain cases and its members give lectures at the Police Academy.
205. The Independent Authority is run by a five-member committee, appointed by the Council of Ministers, who must have “recognised prestige and moral standing”. Two must be lawyers and one could be a former police officer. The committee appoints independent investigators from a list submitted by the Attorney General to look into complaints. After an investigation is completed, cases concerning criminal offences are forwarded to the Attorney General, who has discretion to initiate criminal proceedings or not. In the case of disciplinary offences, cases are forwarded to the Chief of Police, who is obliged to start disciplinary proceedings.
206. According to information provided by the Cypriot authorities, for the period 2006-2009 an average of 68 criminal cases against members of the police were investigated annually and an average of 129 cases were investigated by the internal police disciplinary boards. For the same period, the service employment of 24 members of the police who were involved in criminal and/or disciplinary investigations was terminated. ECRI concludes that the absence of sufficient punitive deterrents may partly explain why there continue to be reports of misconduct and heavy-handed tactics by the police in Cyprus.
207. The data on complaints indicates the nationality of the victim. No information is available on how many complaints involve allegations of racism or racial discrimination. In 2009, the Authority received a total of 112 complaints, 35 of which were from foreigners/non-citizens. 18 complaints were from Turkish Cypriots. One case involved an 18 year old from Zimbabwe who alleged that he was beaten up by police. The hearing of the case as police violence is still pending.

208. The complete discretion of the Attorney General to prosecute or not criminal cases, including those referred by the Independent Authority, could be seen as a weakness in the effective implementation of the Independent Authority's mandate and might ultimately undermine its credibility.
209. Despite this, ECRI is pleased to note that according to most accounts, the establishment of the Independent Authority has been a positive development. It is certainly an example of good practice in Europe. The public is increasingly aware of its work, as shown by the increase in the number of complaints each year.
210. ECRI has been informed that isolated but serious incidents of racial profiling have occurred recently in Cyprus. One incident involved a massive police operation in the early hours of 25 September 2009, during which police arrested 150 migrants. The police stated that the operation was conducted primarily to execute 21 arrest warrants and 25 search orders in connection with incidents outside a mosque the previous month. The operation, which involved road blocks and the use of handcuffs, received high media attention and was shown on all TV channels. It was the centre of debate for weeks afterwards. The Commissioner for Administration criticised the police for their disproportionate reaction and for spreading xenophobia. Her report noted that many arrests were made without warrants or any objective elements justifying a suspicion that the persons concerned had committed an offence; arrests were based on the mere fact that the persons in question lived in a certain area or on their ethnic origin. The Commissioner's report recommended that racial profiling should be clearly defined and prohibited by law and the police should reinforce measures against this practice by issuing clear guidelines. It also stated that the police should consider hiring migrants as police officers as a measure to reinforce trust between the police and the migrant community and that legal obstacles such as the requirement for police officers to have Cypriot nationality should be lifted.
211. ECRI draws the attention of the authorities in this connection to its General Policy Recommendation No. 11 on combating racism and racial discrimination in policing, which states that racial profiling practices by the police reinforce prejudice and stereotypes against certain ethnic groups and legitimise racism and racial discrimination against them in the general population.
212. ECRI recommends that the authorities take steps to define clearly, prevent and prohibit racial profiling by the police, taking account of ECRI's General Policy Recommendation No. 11 on combating racism and racial discrimination in policing.

VII. Monitoring Racism and Racial Discrimination

213. In its third report, ECRI recommended that the Cypriot authorities improve their monitoring systems by collecting relevant information broken down according to categories such as ethnic origin, language, religion and nationality in different areas of policy and to ensure that this is done in all cases with due respect for the principles of confidentiality, informed consent and the voluntary self-identification of persons as belonging to a particular group. These systems should also take into consideration the gender dimension, particularly from the point of view of possible double or multiple discrimination.
214. ECRI notes with interest that a new population census is due to be conducted in 2011. The present report has highlighted a serious lack of data in all fields of life which render effective policy-making difficult or impossible. ECRI cannot stress enough the importance of taking this opportunity to collect data as indicated in the recommendation above. The collection of such data need not present a

threat for human rights if the principles of anonymity, informed consent and voluntary self-identification are respected.

215. ECRI strongly recommends that the authorities collect and process disaggregated ethnic data in accordance with the principles of anonymity, informed consent and voluntary self-identification.

VIII. Education and Awareness-Raising

216. ECRI is pleased to note that the Cypriot authorities have been active over the last few years in promoting awareness about racism and discrimination, including racial discrimination, through a series of campaigns, conferences, seminars, street events and radio and television advertising. Many different Government departments have been involved in these initiatives, in particular the Ministry of Justice and Public Order, the Ministry of Labour and Social Insurance and the Ministry of Education and Culture, as well as the Ombudsman's Office and NGOs. The majority of the events have focused on the EU anti-discrimination directives as they are partially funded by EU programmes.

217. In its third report, ECRI recommended that the Cypriot authorities intensify their efforts to carry out extra-curricular school activities aimed at educating children in human rights, with a particular emphasis on non discrimination and the need to respect differences. It recommended that they intensify their efforts to train teachers in these subjects. ECRI encouraged the Cypriot authorities in their efforts to strengthen the human rights dimension of civic education courses. In the long term, however, it considered that the Cypriot authorities should consider making human rights, including non-discrimination, a compulsory subject at both primary and secondary level.

218. The major overhaul of the education system, based on the concept of "multicultural education", has already been described in the section above on Education. As for civic education courses, the Cypriot authorities have informed ECRI that education in all schools is increasingly focused on the acceptance of difference and tolerance as well as the respect for other cultures.

219. As for human rights being a compulsory subject, ECRI notes that the Ministry of Education and Culture is planning to cooperate with the Ministry of Justice and Public Order to implement a project regarding human rights education which will promote, among others, the development and adoption of attitudes respecting human rights principles in teaching practice, quality teaching with regard to human rights education, and changing students' values, attitudes and behaviour with regard to understanding and respecting human rights.

220. ECRI encourages the authorities to pursue their goal of implementing a project regarding human rights education. This could be a first step to making human rights a compulsory subject in schools.

221. In its third report, ECRI encouraged the Cypriot authorities in their efforts to raise awareness in Cypriot schools of problems of racism and racial discrimination. For racism in schools, see section above on Education.

222. In its third report, ECRI strongly recommended that the Cypriot authorities intensify their efforts to promote activities involving members of both the Greek and Turkish Cypriot school communities aimed at promoting reconciliation and restoration of confidence between the members of these communities. ECRI recommended also that the authorities foster and engage in public debate on these questions and work in close co-operation with civil society organisations

for achieving these objectives throughout the education system, including history teaching.

223. Activities involving both the Greek and Turkish Cypriot school communities have been addressed in the section above on Education. The educational reform includes the development of a new curriculum, which will be introduced in the school year 2011-2012. ECRI is pleased to learn that new history textbooks are being produced which will reflect the diversity and plurality of the society and include specific references to the two communities of Cyprus, as well as the religious groups and the Roma.
224. ECRI encourages the authorities to monitor the quality of the new history textbooks in close cooperation with all the communities and groups concerned so as to remove any possible racist¹⁶ or discriminatory elements.

¹⁶ ECRI recalls that, according to its General Policy Recommendation No. 7, “racist” might be related, *inter alia*, to religion, language, nationality or national or ethnic origin.

INTERIM FOLLOW-UP RECOMMENDATIONS

The three specific recommendations for which ECRI requests priority implementation from the authorities of Cyprus, are the following:

- ECRI strongly recommends that the Cypriot authorities take urgent steps to implement fully the programme Zones of Educational Priority, in particular in respect of the 18th Primary School, to ensure that the right to education as enshrined in Article 2 of the Protocol to the ECHR is respected in practice.
- ECRI strongly recommends that the authorities revise their legislative plans to adopt a policy requiring third country nationals wishing to marry Cypriot or EU citizens to pass a premarital interview with the migration authorities before being given permission to marry.
- ECRI encourages the authorities to develop further the Crime Report System to ensure that accurate data and statistics are collected and published on the number of racist and xenophobic incidents and offences that are reported to the police, on the number of cases that are prosecuted, on the reasons for not prosecuting and on the outcome of cases prosecuted, in accordance with its General Policy Recommendation No. 1 on combating racism, xenophobia, antisemitism and intolerance. It encourages the authorities to improve the court archiving system so that cases are classified also by subject matter and clearly indicate racist elements.

A process of interim follow-up for these three recommendations will be conducted by ECRI no later than two years following the publication of this report.

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APPENDIX: GOVERNMENT'S VIEWPOINT

The following appendix does not form part of ECRI's analysis and proposals concerning the situation in Cyprus

ECRI, in accordance with its country-by-country procedure, engaged into confidential dialogue with the authorities of Cyprus on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version (which, unless otherwise indicated, only takes into account developments up until 9 December 2010, date of the examination of the first draft).

The authorities also requested that the following viewpoint be reproduced as an appendix to the report.

ANNEX TO THE FINAL ECRI REPORT
(fourth monitoring cycle)
Comments made by the Authorities of the Republic of Cyprus

Input by the Ministry of Labour and Social Insurance

Summary

Page 7

On page 7 of the Summary, the last paragraph mentions that «*Asylum seekers, like all other applicants for public assistance, must wait several months for the processing and receipt of welfare*». This should be replaced with «*The procedure of examining an application for the purpose of public assistance is the same for all the applicants in the Republic of Cyprus. When a person is identified as an asylum seeker and an application is made for public assistance, the application is examined within a period of a few months. It should be noted that special provisions are undertaken for the applications of asylum seekers to be examined as soon as possible*».

Employment

Paragraph 86

According to the existing policy on employment of foreign workers (third country nationals), permission for employment is granted for a specific post, provided that the post cannot be filled by nationals or other European citizens. During the last two years, because of the world economic crisis, unemployment has more than doubled compared with the pre-crisis period and there is availability of local workers or other European citizens for almost all occupations and sectors of the economy. In order to fight unemployment, government introduced a large series of measures, only one of which is the replacement of third country workers by Cypriots or EU nationals. This measure was implemented in such a way that no third country national would be sent home before the expiration of his/her contract, i.e.usually not before the completion of two years of stay in Cyprus, and very often not before the completion of four years. All measures to fight unemployment were equally publicised but the programme for the replacement of third country nationals was the least popular among employers.

Paragraphs 93 and 94

The Department of Labour Relations of the Ministry of Labour and Social Insurance continuously enhances its efforts for improving the working conditions of foreign workers as these are stated in the contract of employment, signed by both parties, soon after their arrival in Cyprus.

The contract of employment specifies, among others, working hours, annual leave as well as public holidays fully paid. The gross salary stated in the contract of employment for foreign workers is the one provided in collective agreements so as to safeguard equal pay. Terms of employment of foreign workers in the areas of farming, agriculture, industry and commerce are those provided in collective agreements so as to safeguard equal treatment between all workers in Cyprus. As far as domestic workers are concerned, terms of employment are set by the Ministry of the Interior, since there is no collective agreement in force.

Furthermore, an inspection mechanism has been set up, so that inspections are carried out in order to safeguard the enforcement of Equality Law. To accomplish the above target, the Ministry of Labour and Social Insurance proceeded with the appointment of 30

inspectors that are also responsible for the inspection of workplaces with regards to undeclared and illegal work.

Paragraph 96

Employment officers undertake an in depth examination of cases of asylum seekers who refuse available jobs. Before considering them as willfully unemployed they give the opportunity to both employers and candidates (asylum seekers) to present their case.

Non-citizens

Paragraphs 178 and 179

Paragraph 178, makes reference to welfare benefits obtained by asylum seekers. More specifically it mentions that «.....*To obtain welfare benefits, asylum seekers have to have a valid address, which is impossible for many who are homeless. ECRI has also learned that, due to chronic under-staffing at the welfare office, it takes an average of four months before requests for welfare assistance are processed and received by asylum seekers. This clearly pushes many asylum seekers into finding irregular work for survival*». Also the ECRI recommends in paragraph 179 that «*ECRI urges the authorities to find a way to speed up the processing and receipt of welfare assistance so that asylum seekers are not pushed towards illegibility*». First it should be mentioned that there are no reported cases of homeless asylum seekers. Furthermore it must be noted that the period to examine an application for public assistance is the same for all applicants in the Republic of Cyprus. However special provisions apply in the case of an asylum seeker, by providing interim payments while waiting for the application to be examined, in order to cover immediate basic needs and accommodation. After an application for public assistance is examined and approved asylum seekers are receiving public assistance on regular payments (weekly or monthly).

Input by the Independent Authority for the Investigation on Allegation and Complaints Against the People

Paragraph 203

The report comments on the establishment of the Independent Authority for the Investigation of Allegations and Complaints Against the Police (IAIACAP) stating that “**It also has the power to act *ex officio* and initiate its own investigations.**”

The IAIACAP would like to clarify that in 2009, it initiated the investigation of three cases *ex officio*. One of these cases involved an 18 year-old from Zimbabwe who alleged that he was beaten up by police. This case is mentioned in paragraph 206 of the report.

Viewpoint of Cyprus Police

Concerning paragraph 205 of the ECRI report, Cyprus Police wishes to submit the following information, comments and clarifications:

Not all criminal cases, which are filed in Court against members of Cyprus Police, are of a serious nature. Some are and most are not. For the years 2007-2009, the percentage of criminal investigations against members of the police, which were of a serious nature, was 15%. For the same period, 47% of the investigated offences were related to traffic/road safety issues.

Criminal Courts are competent to impose criminal sanctions to members of the Police, who are found guilty of criminal charges, but are not competent to decide on career-related aspects (eg. dismissal, etc). Such competency rests with internal Police Disciplinary Boards, which review the respective disciplinary cases and if they reach a guilty verdict they may impose the appropriate sanction, one of which (and the most severe) is dismissal.

There is also a series of other disciplinary sanctions (eg. mandatory resignation, demotion, delay or withdrawal of annual salary increment, fine, etc).

There have been cases in which Criminal Courts acquitted members of the Police, and yet Police Disciplinary Boards decided to dismiss them from the Police during the respective disciplinary procedure.

Cyprus Police strongly maintain that a criminal conviction of one of their members may not automatically lead to a disciplinary dismissal, and alternatively that a criminal acquittal of one of their members may not automatically lead to a disciplinary acquittal and that it may not automatically prohibit the Police from imposing even the penalty of dismissal. Such competency and discretion rests with Police Disciplinary Boards.

It is highlighted that following the acquittal of a number of police officers, who were facing charges related to police misconduct in 2006, by the Assize Court, the Attorney General appealed the decision and upon retrial most of the accused were found guilty.

It is quite unsafe to compare or contrast the number of criminal cases investigated against members of the police in a specified period, with the number of police officers dismissed by the police or even with the number of officers convicted by the Court in the same period. This is partly attributed to the fact that one case may refer to more than one accused person. Furthermore, in cases where an officer under investigation or under trial ceases for any reason (disciplinary or not, or retirement) to be a member of the Police, the outcome of any criminal proceedings after the end of his/her career is not imposed on a police officer, and therefore it is not counted to the end of the process in the submitted data. The number of cases investigated against members of the police is not comparable to the number of officers dismissed from the police in relation to the same cases for the same period.

Cyprus Police consider that the legal and monitoring environment with respect to police misconduct is sufficient and that there are sufficient investigative, criminal and disciplinary mechanisms and punitive measures and deterrents.

Input by the Law Office of the Republic

Paragraph 207 of the ECRI Report Cyprus states:

“the complete discretion of the Attorney General to prosecute or not criminal cases, including those referred by the Independent Authority, could be seen as a weakness in the effective implementation of the Independent Authority’s mandate and might ultimately undermine its credibility.”

The above reference seems to misunderstand the criminal justice system in Cyprus. The Cypriot criminal justice system makes a distinction between investigation and prosecution. Investigation of a possible crime is usually conducted by the police while prosecution is always ordered by the Attorney General, who is the only prosecuting authority in Cyprus. According to the Constitution the Attorney General can order the prosecution of any crime (article 113 (2)) and is the head of the Law Office of the Republic of Cyprus which is an independent service (article 112 of the Constitution).

It has to be stressed that the Independent Authority for the investigations of allegations and complaints against the police was established following advice and initiative from the Attorney General. Its role is to investigate complaints against the police. The powers of the Independent Authority are the same as those of the police when investigating crimes. The Independent Authority does not have more or less powers than the police investigators have when they investigate crimes. The Independent Authority is no more or less independent than the Attorney General. Their difference lies in their different functions within the criminal justice system: investigation (Authority), prosecution (Attorney General).

Input by the Ministry of Foreign Affairs

As regards **paragraph 10**, the issue of granting the status of citizenship to children whose one parent is a Turkish national, having entered or residing illegally in Cyprus, is directly linked to the illegal activity of Turkey, which since the Turkish occupation of Cyprus in 1974, has systematically pursued a deliberate policy of colonizing the occupied part of Cyprus, from which it militarily expelled 170,000 Greek Cypriots.

Under international law, transfers by an occupying power of its own civilian population into the territory it occupies are illegal. Article 49(6) of the 1949 Fourth Geneva Convention stipulates that the ***“Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies”***.

In Resolutions 33/15 (1978), 24/30 (1979), 37/253 (1983) et. al. the United Nations General Assembly deplored “all unilateral actions that change the demographic structure of Cyprus.”

In its Resolution 4 (XXXII) (27/2/76) the Commission of Human Rights calls on parties to refrain from unilateral acts to change the demographic structure of Cyprus and in resolution 1987/50 (11.3.1987) the Commission on Human Rights express concern for the influx of settlers and calls for respect for the rights and freedoms of the population of Cyprus.

The fact that the occupied part of Cyprus has been subjected to systematic settlement from Turkey has been reported on twice by the Council of Europe’s Committee on Migration, Refugees and Demography, in 1992 (Rapporteur: A. Cucó, Spain) and in 2003 (Rapporteur: J. Laakso, Finland). On 24 June 2003 the Laakso Report led to the adoption by the Parliamentary Assembly of the Council of Europe of Recommendation 1608 wherein, having noted the lack of exact figures of Turkish nationals arriving in the occupied part of Cyprus, the Assembly *inter alia* stated the following:

- “5. In the light of the information available, the Assembly cannot accept the claims that the majority of arriving Turkish nationals are seasonal workers or former inhabitants who had left the island before 1974. Therefore it condemns the policy of “naturalisation” designed to encourage new arrivals which was introduced by the Turkish Cypriot administration with the full support of the Government of Turkey.
6. The Assembly is convinced that the presence of the settlers constitutes a process of hidden colonisation and an additional and important obstacle to a peaceful negotiated solution of the Cyprus problem.
7. Therefore, the Assembly recommends that the Committee of Ministers:
 - i. instruct the European Population Committee (CAHP) to conduct a population census of the whole island, in co-operation with the authorities concerned, in order to replace estimates with reliable data...
 - iv. call on Turkey, as well as its Turkish Cypriot subordinate local administration in northern Cyprus, to stop the process of colonisation by Turkish settlers...
 - v. call on Turkey to comply with the decisions of the European Court of Human Rights concerning refugees’ right to property in the occupied part of Cyprus...”

In their report on Local Democracy in Cyprus to the Chamber of Local Authorities of the Council of Europe (10 Nov. 2005), Rapporteurs Dr Ian Micallef (Malta) and Alan Lloyd (UK), mention that: “13. ...A substantial number of settlers from mainland Turkey have been transferred to the occupied area since 1974 and settled in towns and villages from where Greek Cypriot displaced persons had been forced to flee....some of the local representatives in the area which is not under the control of the government originate

from this category of the population which complicates the issue considerably. Currently, from the local representatives of the 28 “municipalities” in that area six are Turkish settlers, heading the municipalities which were predominantly inhabited by Greek Cypriots prior to 1974...”

The constant influx into the occupied area of settlers from mainland Turkey, takes place in parallel with a continuous outflow of indigenous Turkish Cypriots, who, in 1974, totaled about 116,000 i.e. about 18% of Cyprus’s population. Today, Turkish settlers [estimated at upwards of 160,000] far outnumber Turkish Cypriots [estimated at 88,700]. In addition, stationed in the occupied area are upwards of 45,000 Turkish troops. That is, there are at least 200,000 non-Turkish Cypriots, or more than two Turks for every Turkish Cypriot.

In the light of the above, it should be stressed that each application for granting the status of citizenship to children whose one parent is a Turkish national, is examined by the Government of the Republic of Cyprus on a case-to-case basis and according to the fulfilment of certain criteria, set out by the Council of Ministers of the Republic of Cyprus. All applications fulfilling the criteria have led to the granting of the status of citizenship. The applications that were rejected did not conform to the requirements for granting the status of citizenship.

The Ministry of Foreign Affairs disagrees with the view that this practice arouses xenophobic feelings, as the great majority of applications have led to the granting of the status of citizenship to children whose one parent is a Turkish national. The Ministry of Foreign Affairs strongly reiterates that the Government’s policy is not to deny on racial grounds citizenship to a child whose one parent is a Turkish national, but rather to protect the demographic composition of Cyprus, which Turkey has been illegally altering since 1974.

Concerning references in **paragraphs 66, 111 and 130**, to “northern part of the island”, the Government of the Republic of Cyprus would like to indicate that the correct terminology used for describing the occupied areas of the Republic of Cyprus is, either “occupied areas” or, also according to the terminology used in Protocol 10 of the European Union Treaty of Accession (16 April 2003), “areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control”.

Concerning **paragraph 133**, and specifically recommendations (iii) and (iv) on promoting dialogue and joint activities between Greek Cypriots and Turkish Cypriots and supporting civil society in promoting dialogue and reconciliation, which seem to be uncommented in the Draft Report, the Government of the Republic of Cyprus would like to bring to your attention the fact that the Republic of Cyprus is partly funding the following project: **“Revitalising the “Dead Zone”. Home for Cooperation: an Educational and Research Centre”**. The project will last from 2006 to 2011. The aim of the project is the creation of a building, located in the buffer zone of Cyprus, which seeks to transform the “dead zone” “from a symbol of segregation to a symbol of cooperation”.

The project aims to provide local people and the civil society with the opportunity of having multi-communal contacts, a space for research and education and teacher-training seminars. The building will also make available to the public a wealth of resources concerning history teaching and information on the communities and religious groups of the Republic of Cyprus, including a Multi-communal Museum/Exhibition Centre, Archives and a Centre for digitalization.

The project is being implemented by the inter-communal NGO Association for Historical Dialogue and Research (AHDR), which since its foundation in 2003 has enlisted members from **various ethnic, linguistic, and professional backgrounds**. **Its Board is comprised of Greek Cypriot and Turkish Cypriot educators and historians** and, as AHDR’s website states, “is a brilliant example of how productive cooperation; creative ideas and respect can blossom across the divide”.

As regards **paragraph 139**, the Government of the Republic of Cyprus would like to recall the fact that since 2003 when there has been a partial lifting of movement restrictions between the occupied and the free areas of Cyprus, there has been almost no incidence of hostility and discrimination between Greek Cypriots and Turkish Cypriots. Such incidents have been isolated, and have been condemned by the Government of the Republic of Cyprus. Furthermore, all necessary measures were taken in order to bring to justice the people responsible for these actions.

Regarding **paragraphs 132-139**, the Government of the Republic of Cyprus would like to mention that the Government's policy toward the Turkish Cypriot community has been supportive toward economic development and that Turkish Cypriots have been treated equally, with no discrimination whatsoever.

In particular, since the accession of Cyprus in the European Union, Turkish Cypriots, as citizens and holders of passports and other official documents of the Republic of Cyprus can study, move, work and settle freely in all EU member states and enjoy those benefits afforded to EU citizens, including diplomatic and consular protection in third countries, despite the fact that the *acquis communautaire* is currently suspended in the occupied areas because the Government does not exercise effective control in these areas.

In addition, it is underlined that since the partial lifting of movement restrictions on movement by the Turkish army in 2003, and in accordance with Green Line Regulation (Council Regulation (EC) No 866/2004) of 29.4.2004., the Turkish Cypriots have been allowed to trade goods to the free areas of the Republic of Cyprus and export their goods to other countries. This has resulted in the further strengthening of the Turkish Cypriot community's economic development. Additionally, the Financial Aid Regulation (Council Regulation (EC) No 389/2006), on the basis of a proposal by the Government of the Republic of Cyprus, has allocated the sum of €259 million to the Turkish Cypriot community, to facilitate the reunification of Cyprus by encouraging the economic development of the Turkish Cypriot community with particular emphasis on the economic integration and on improving contacts between the two communities and with the EU.

Moreover, the Government of the Republic of Cyprus believing that the economic development and the welfare of the Turkish Cypriot community is better served through the economic integration of the two communities in a reunified Cyprus and notwithstanding the obvious difficulties stemming from the fact that the vast majority of Turkish Cypriots reside in the areas not under the effective control of the Government of the Republic of Cyprus, the Government has implemented a series of specific measures for the economic development of the Turkish Cypriot community. These measures, the cost of which has risen to more than \$200 million in the last five years, include free access to public hospitals, social insurance and support, administrative issues, reparation of mosques in the Government-controlled areas, as well as agricultural and educational financial help.

A table on the financial aid that has been given to Turkish Cypriots for the years 2004-2008, on each sector, follows:

See Annex

Annex

FINANCIAL AID TO THE TURKISH - CYPRIOT COMMUNITY, 2004 - 2008								
No	Category	Sub- categories	Cost of Expenditure					Total 2004-2008
			2004 (€)	2005 (€)	2006 (€)	2007 (€)	2008 (€)	
1	Health	Public Medical Centres	4.016.522,00	3.457.441,00	3.189.363,00	3.726.402,00	2.490.207,00	16.879.935,00
		Cancer Treatment Centre of Bank of Cyprus	679.822,00	556.738,00	420.556,00	766.895,00	1.681.392,00	4.105.403,00
		Institute of Neurology & Genetics	69.578,00	67.647,00	56.939,00	72.654,00	145.325,00	412.143,00
		Patients traveling abroad / Heard Surgery Centres in Cyprus	300.280,00	27.240,00	36.026,00	179.403,00	0,00	542.949,00
		Cost subsidies paid for kidney transplantation	66.635,00	143.523,00	281.919,00	102.516,00	88.848,00	683.441,00
		Total Annual Cost	5.132.837,00	4.252.589,00	3.984.803,00	4.847.870,00	4.405.772,00	22.623.871,00
2	Social security and Social benefits	Governmental contribution for T/c salaries	1.147.416,42	1.286.576,89	1.399.358,25	1.489.092,29	1.542.458,00	6.864.901,85
		Pensions/Benefits /Aid Schemes from the Social Security services	17.052.216,57	19.036.569,20	19.857.350,57	20.383.545,14	21.537.266,00	97.866.947,48
		Department of Labour/Department for Social Inclusion for people with disabilities	4.397,94	3.374,49	6.938,63	7.053,11	8.465,40	30.229,57
		Social Welfare Services	436.477,62	678.547,14	730.148,61	748.162,40	1.087.445,90	3.680.781,67
		Lump sum payment	0,00	1.908.207,10	4.615.766,29	1.233.934,87	1.694.763,00	9.452.671,26
		Total Annual Cost	18.640.508,55	22.913.274,82	26.609.562,35	23.861.787,81	25.870.398,30	117.895.531,83

FINANCIAL AID TO THE TURKISH - CYPRIOT COMMUNITY, 2004 - 2008

No	Category	Sub- categories	Cost of Expenditure					Total 2004-2008
			2004 (€)	2005 (€)	2006 (€)	2007 (€)	2008 (€)	
3	Grants and Benefits Service	Tuition sponsorship for students	11.960,21	17.086,01	23.920,42	46.132,24	20.503,20	119.602,08
		Child benefits	218.256,75	188.443,36	181.870,37	274.628,64	238.926,88	1.102.126,00
		Total Annual Cost	230.216,96	205.529,37	205.790,79	320.760,88	259.430,08	1.221.728,08
4	Ministry of Interior administrative cost for issuing certificates and cost for T/c property management	Repair/ Maintenance of muslim mosques, ancient monuments kai cemeteries	584.795,00	482.885,00	405.021,00	410.098,00	285.326,00	2.168.125,00
		Repair of T/c houses	45.795,00	299.860,00	279.891,00	180.538,00	224.516,00	1.030.600,00
		Maintenance of Immigration Reception Centres	122.585,00	6.814,00	13.748,00	4.331,00	7.586,00	155.064,00
		Expenses in terms of wages and services (interpreters etc.)					137.508,44	
		“Green Line” crossing points					389.376,26	
		Cyprus Broadcasting Corporation (PIK)				443.817,77	602.129,00	
		Total Annual Cost	1.456.804,85	1.609.359,04	1.247.075,73	1.504.022,05	1.646.441,70	7.463.703,37
5	Agriculture	Domestic water supply to the T/c in the occupied areas	1.431.126,28	1.870.351,32	1.949.939,69	2.147.071,29	1.632.054,00	9.030.542,58
		Maintenance of dams and irrigation systems in the occupied areas	15.437,21	34.788,83	15.377,41	0,00	40.488,00	106.091,45

FINANCIAL AID TO THE TURKISH - CYPRIOT COMMUNITY, 2004 - 2008

No	Category	Sub- categories	Cost of Expenditure					Total 2004-2008
			2004 (€)	2005 (€)	2006 (€)	2007 (€)	2008 (€)	
		Veterinary Services (concerns T/c who live in the areas in which the Government of the Republic of Cyprus exercises effective control)	12.942,66	9.909,89	6.714,80	2.100,00	4.320,00	35.987,35
		Department of Agriculture (concerns T/c who live in the areas in which the Government of the Republic of Cyprus exercises effective control)	70.425,13	0,00	0,00	4.234,00	0,00	74.659,13
		Total Annual Cost	1.529.931,28	1.915.050,04	1.972.031,90	2.153.405,29	1.676.862,00	9.247.280,51
6	Education	Tuition fees for T/c who live in the areas in which the Government of the Republic of Cyprus exercises effective control	272.373,28	256.290,21	325.719,23	314.669,71	312.915,22	1.481.967,65
		Tuition fees for T/c who live in the occupied areas and other expenses	29.449,45	98.394,94	130.451,72	130.579,86	123.091,76	511.967,73
		Training Centres, Government owned Training Institutes and cost of education in public schools	399.096,83	526.163,81	476.535,78	367.279,26	350.198,93	2.119.274,61
		Subsidies for cost of bi-communal cultural events and programmes	0,00	0,00	169.535,98	44.676,51	23.921,00	238.133,49

FINANCIAL AID TO THE TURKISH - CYPRIOT COMMUNITY, 2004 - 2008								
No	Category	Sub- categories	Cost of Expenditure					Total 2004-2008
			2004 (€)	2005 (€)	2006 (€)	2007 (€)	2008 (€)	
		Total Annual Cost	700.919,56	880.848,96	1.102.242,71	857.205,34	810.126,91	4.351.343,48
7	Electricity	Total Annual Cost	562.129,87	625.348,13	808.168,48	866.260,93	1.354.000,00	4.215.907,41
8	Telecommunications	Upgrading the mobile phone network so as to expand the coverage (to an extent) to the occupied areas	256.290,22	0,00	0,00	0,00	0,00	256.290,22
		Total Annual Cost	256.290,22	0,00	0,00	0,00	0,00	256.290,22
9	Customs	Cost of salaries for 9 employees at the "Green Line" crossing points	0,00	0,00	0,00	0,00	430.720,00	430.720,00
		Cost of overtime work	0,00	0,00	0,00	0,00	1.359.647,00	1.359.647,00
		Infrastructure cost and functional cost	0,00	0,00	0,00	0,00	24.516,00	24.516,00
		Total Annual Cost	0,00	0,00	0,00	0,00	1.814.883,00	1.814.883,00
Grand Total			28.509.638,29	32.401.999,36	35.929.674,96	34.411.312,30	37.837.913,99	169.090.538,90

