

# European Union Agency for Fundamental Rights, selection of relevant and recent passages from published reports related to Cyprus

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References to Cyprus marked with **bold**

## Contents

Data Explorers, tools and themes	3
EU Member States and International Obligations - United Nations	3
EU Member States and International Obligations - Council of Europe	3
Mapping child protection systems in the EU	3
Indicators on the right to political participation of people with disabilities	3
Mapping victims' rights and support in the EU	3
Violence against women survey	3
Annual Reports	4
Fundamental Rights Report 2018	4
1. EU Charter of Fundamental Rights and its use by the Member States	4
2. Racism, xenophobia and related intolerance	4
3. Roma integration	4
4. Asylum, visas, borders and integration	4
5. Access to justice	4
6. Developments in the implementation of the Convention on the Rights of Persons with Disabilities	4
Fundamental Rights Report 2017	5
1. EU Charter of Fundamental Rights and its use by the Member States	5
2. Equality and non-discrimination	5
3. Racism, xenophobia and related intolerance	5
4. Roma integration	5
5. Asylum, visas, borders and integration	6
6. Information society, privacy and data protection	6
7. Rights of the child	6
8. Access to justice and the rights of crime victims	7
9. Developments in the implementation of the Convention on the Rights of Persons with Disabilities	7
Fundamental Rights Report 2016	7

1. Asylum, visas, migration, borders and integration	8
2. The Charter of the EU and its use by Member States	8
3. Equality and non-discrimination	8
4. Racism, xenophobia and related intolerance	9
5. Rights of the child	9
6. Access to justice, including rights of crime victims	9
Thematic Reports	9
Challenges facing civil society organisations working on human rights in the EU (January 2018)	9
Second European Union Minorities and Discrimination Survey - Main results (December 2017)	10
Second European Union Minorities and Discrimination Survey (EU-MIDIS II) Muslims – Selected findings (September 2017)	11
Together in the EU - Promoting the participation of migrants and their descendants (March 2017)	11

## Data Explorers, tools and themes

EU Member States and International Obligations - United Nations

<http://fra.europa.eu/en/publications-and-resources/data-and-maps/intobsun?mdq1=country&mdq2=416>

EU Member States and International Obligations - Council of Europe

<http://fra.europa.eu/en/publications-and-resources/data-and-maps/intobscoe?mdq1=country&mdq2=416>

Mapping child protection systems in the EU

<http://fra.europa.eu/en/publications-and-resources/data-and-maps/cps?mdq1=country&mdq2=416>

Indicators on the right to political participation of people with disabilities

<http://fra.europa.eu/en/publications-and-resources/data-and-maps/polpar?mdq1=country&mdq2=416>

Mapping victims' rights and support in the EU

<http://fra.europa.eu/en/publications-and-resources/data-and-maps/vss?mdq1=country&mdq2=416>

Violence against women survey

<http://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-violence-against-women-survey?mdq1=country&mdq2=416>

# Annual Reports

## Fundamental Rights Report 2018

<http://fra.europa.eu/en/publication/2018/fundamental-rights-report-2018>

### 1. EU Charter of Fundamental Rights and its use by the Member States

“Another political case concerned a quota for women in **Cyprus**. Parliament voted for a law and the President of the Republic referred it to the Supreme Court for an opinion. The law introduced a quota of one third of women on the management boards of public organisations. The court unanimously concluded that the specific provision is not allowed under Cypriot law, as it is a measure of positive discrimination and affirmative action in favour of women, in breach of basic equality provisions of the Cypriot constitution, and cannot be defended with reference to EU law. In fact, the court stated explicitly that Article 23 (equality between men and women) ‘does not apply because the issue at stake does not concern Union law, as per Article 51 of the Charter.’” (pp. 40-41)

### 2. Racism, xenophobia and related intolerance

“Relevant legislative developments regarding hate crime and hate speech also occurred in other Member States. **Cyprus** amended its Criminal Code by empowering the national courts to take into account as an aggravating factor the motivation of prejudice on the grounds of race, colour, national or ethnic origin, religious or other beliefs, ‘genealogical origin’, sexual orientation or gender equality.” (p. 78)

“In its concluding observations on Bulgaria, **Cyprus** and Finland, it recommended that the respective authorities continue to conduct training programmes with law enforcement officers on the prevention of racial profiling and non-discrimination.” (p. 87)

### 3. Roma integration

“in other cases, [states] provided material assistance in the form of stationary and school equipment (**Cyprus**)” (p. 103)

### 4. Asylum, visas, borders and integration

“FRA has repeatedly highlighted the importance of forced return monitoring pursuant to Article 8 (6) of the Return Directive as a tool to promote fundamental rights compliant returns. The implementation of this provision has only progressed slowly. By the end of 2017, **Cyprus**, Germany, Slovakia and Sweden had no operational monitoring systems in place. [...] In **Cyprus**, monitoring bodies have been appointed, but did no monitoring in 2017.” (p. 140)

### 5. Access to justice

“police authorities in **Cyprus** issued instructions to police regarding their duties arising under the law transposing the directive. In addition, a new awareness leaflet comprehensively sets out the rights of victims (including the right to lodge a complaint against the police and contact details for support organisations in the private and public sectors). It is available in six languages (Greek, English, Turkish, Arabic, French and Russian).” (p. 207)

“Furthermore, one of the major trade unions in **Cyprus** prepared a draft code of conduct for addressing sexual harassment at the workplace.” (p. 211)

### 6. Developments in the implementation of the Convention on the Rights of Persons with Disabilities

“The committee expressed concern about insufficient resources for monitoring in **Cyprus**” (p. 233)

## Fundamental Rights Report 2017

<http://fra.europa.eu/en/publication/2017/fundamental-rights-report-2017>

### 1. EU Charter of Fundamental Rights and its use by the Member States

“Just as in past years, in 2016, courts from almost all Member States sent requests to the CJEU for guidance in interpreting and applying EU law provisions. No such request was sent from courts in **Cyprus**.” (p. 40)

“Indeed, in only three Member States could no examples of Charter-related impact assessments be identified over the last three years (2014-2016): **Cyprus**, Ireland and Malta.” (p. 46)

“Nevertheless, exercises of legal scrutiny do sometimes refer to and use the Charter. Indeed, only in a few Member States were no such examples reported both for 2016 and 2015 (**Cyprus**, Estonia, Italy, Malta and Slovakia).” (p. 47)

“However, as in previous years, there are also examples of Charter references that go beyond the technical implementation of EU legislation. In 2016, these examples covered areas such as gender equality and identity and lesbian, gay, bisexual, transgender and intersex (LGBTI) issues (in Spain); disability (in Italy); consumer protection (in Germany); legal aid (in Austria and Slovakia); the regulation of the accountancy profession (in Malta); education (in Belgium); and the death penalty (in **Cyprus**).” (p. 49)

### 2. Equality and non-discrimination

“The right to self-determination of intersex persons was at the centre of position papers published by the national equality body of **Cyprus**” (p. 68)

“In December 2015, the European Commission initiated formal inquiries with Member States in which major transposition gaps remained, with a view to launching infringement proceedings where necessary. This prompted notable legislative developments in **Cyprus**” (p. 80)

### 3. Racism, xenophobia and related intolerance

“Member States also organised specialised training on hate crime for police officers throughout the year – including Bulgaria, **Cyprus** and Greece” (p. 82)

“Criminality statistic data - racist incidents - incidents and/or cases of racial nature and/or with racial motive, published by the **Cyprus** Police” (p. 83)

“Children at schools can also become victims of racism. In **Cyprus**, the Code of Conduct against Racism and the Guide for Handling and Recording Racist Incidents was applied to at least 73 schools of all levels in 2015- 2016.”

“In several Member States, equality bodies sought to raise awareness of anti-discrimination legislation by undertaking awareness-raising activities and developing information tools, reports and guidance documents – including in [...] **Cyprus**” (p. 88)

“In **Cyprus**, the Ombudsman offered lectures and seminars on racism and discrimination at schools, youth organisations and trade unions.” (p. 88)

### 4. Roma integration

“In Cyprus, in 2016 Roma families residing in abandoned Turkish Cypriot houses in Limassol were served with eviction orders. The evictions were to a large extent averted through the

combined efforts of the school attended by the Roma children, the Ombudsman and the Commissioner for Children's Rights." (pp. 110-111)

"A number of Member States set up national platforms for Roma inclusion to mobilise stakeholders to coordinate action. These national platforms are supported by the Commission and were established in Austria, Belgium, Bulgaria, Croatia, **Cyprus**, the Czech Republic, Finland, Greece, Hungary, Latvia, Lithuania, Romania, Slovakia, Slovenia and Spain" (p. 114)

### 5. Asylum, visas, borders and integration

"Overall, there has been progress in law, but alternatives remain little used in practice. All EU Member States have provisions on alternatives to detention in their national laws. The two Member States that did not have such provisions in 2012 – **Cyprus** and Malta – have meanwhile enacted legislation, although specific types of alternatives are listed only for asylum seekers and not for migrants in an irregular situation, which affects their actual use for this second category of persons." (p. 131)

"In the past four years, alongside **Cyprus** and Malta, five Member States stipulated new forms of alternatives to detention in their legal systems" (p. 132)

"The introductory courses for newcomer children in many cases provide more than language support. In Belgium, Bulgaria and **Cyprus**, they also get psychological support and counselling for post-traumatic stress." (p. 137)

"Bulgaria, Croatia, **Cyprus**, Estonia, Finland, Latvia, Italy, Poland, Portugal, Romania, Slovenia, Sweden and the United Kingdom provide mainly language support to newcomer pupils who are already in mainstream education and standard classes." (p. 137)

### 6. Information society, privacy and data protection

"in **Cyprus**, the Cyprus Intelligence Service (CIS) was also brought within a regulatory framework in April" (p. 157)

"Of the Member States without national PNR systems, only four have already taken steps to initiate legislative procedures to implement the PNR Directive or are in the process of doing so. These are **Cyprus**, Germany, Luxembourg and Slovakia." (p. 160)

### 7. Rights of the child

"In 20 countries, the percentage of children at risk of poverty or social exclusion decreased between 2014 and 2015. In seven Member States, it increased, most significantly in **Cyprus** and Lithuania – by around 4 percentage points." (p. 175)

"In seven countries, the proportions of children at risk of poverty or social exclusion increased by 2–12 percentage points over time: Austria, **Cyprus**, France, Greece, Italy, Malta and Spain.[...] **Cyprus** experienced a strong increase only during the second half of the [2005-2015] period." (p. 176)

"Some countries have more uniform systems [for unaccompanied children] in place at the national level – namely **Cyprus**, Ireland, the Netherlands, Sweden and the United Kingdom." (p. 185)

"in **Cyprus**, the Asylum Law was amended to incorporate the recast Asylum Procedures Directive 2013/32 and the recast Reception Conditions Directive. However, the Commissioner for the Rights of the Child has criticised the amendments for lacking a comprehensive and efficient approach to the detention of unaccompanied children, family reunification, asylum application, access to education and guardianship." (p. 187)

## 8. Access to justice and the rights of crime victims

“**Cyprus** introduced some non-legislative measures. The Chief of Police issued circulars to all police stations to instruct members of the police on the procedure for appointing interpreters when investigating cases involving foreign witnesses or suspects. The list of interpreters has also been posted on the police central portal, and the duties of the interpreter are now spelled out in a circular letter used during police investigations.” (p. 205)

“Member States also pursued pertinent non-legislative initiatives. **Cyprus** introduced a simplified version of the letter of rights, which is now available in 19 languages.” (p. 205)

“Draft legislative measures to transpose the directive are currently pending before the national parliaments of several other Member States: **Cyprus** [...]” (p. 206)

“However, challenges remained with regard to the implementation of the Victims’ Rights Directive. For example, while **Cyprus** incorporated the directive into national law in April, few structures were reportedly in place for its implementation. No services have been offered to victims under the incorporating legislation, nor has any budget been allocated for the services planned.” (p. 207)

“Police in **Cyprus** established a special unit for investigating cases of child sexual abuse in December 2016. The unit, supported by specialised personnel, aims to provide professional child-centred services to protect and support victims. The Commissioner for the Protection of the Rights of the Child issued a public statement applauding this decision, highlighting the prospect of conducting interviews with children who are victims or witnesses in the safe and child-friendly environment of the ‘House for the Child’, in collaboration and coordination with other public services and in line with international standards for investigating cases of sexual abuse.” (p. 208)

“About two in five respondents in Malta (47 %), Cyprus (44 %), Lithuania (42 %) and Latvia (39 %) agree with the statement that ‘women often make up or exaggerate claims of abuse or rape’.” (p. 209)

“and in **Cyprus** the government has commissioned studies to [identify the precise legislative reforms needed to meet the requirements of the Istanbul Convention].” (p. 210)

## 9. Developments in the implementation of the Convention on the Rights of Persons with Disabilities

**Promising practice: Promoting equal access for travellers with disabilities** “The European Commission launched a pilot project implementing an EU Disability Card in eight EU Member States: Belgium, **Cyprus**, Estonia, Finland, Italy, Malta, Romania and Slovenia. The project aims to ensure mutual recognition of disability status between EU Member States, helping to increase access to certain benefits in the areas of culture, leisure, sport and transport for people with disabilities travelling to other EU countries.” (p. 225)

“the **Cyprus** Confederation of Organisations of the Disabled withdrew from the technical committees coordinating implementation of the CRPD in protest at a lack of political will and funding” (p. 234)

“The CRPD Committee has scheduled four further reviews (**Cyprus**, Latvia, Luxembourg and the United Kingdom) for 2017, meaning that additional country specific guidance is forthcoming.” (p. 234)

## Fundamental Rights Report 2016

<http://fra.europa.eu/en/publication/2016/fundamental-rights-report-2016>



### 1. Asylum, visas, migration, borders and integration

“in **Cyprus**, a standard fee of €10 is charged to all those accessing emergency healthcare, including migrants in an irregular situation.” (p. 26)

“in **Cyprus** and Italy, return monitoring is not yet carried out, even though bodies responsible for monitoring have been appointed in both Member States.” (p. 27)

### 2. The Charter of the EU and its use by Member States

“The dialogue between national courts and the CJEU continued in 2015. Courts from 26 EU Member States sent 435 requests for preliminary rulings to the CJEU – a figure similar to past years. No court in Malta or **Cyprus** did so.” (p. 41)

“Croatia, **Cyprus**, the Czech Republic, Denmark, Lithuania, Malta and Sweden have not referred to the Charter when referring cases to the CJEU in the past five years” (p. 41)

“Some cases addressed the Charter’s applicability in more detail before excluding it. For instance, the Supreme Court of **Cyprus** did so in the context of reviewing the national data retention law transposing the Data Retention Directive (which was invalidated by the CJEU’s judgment in Digital Rights Ireland). The court concluded that, although the national data retention law states in its preamble that it purports to transpose the Data Retention Directive, the law’s ambit is wider than that of the directive because it seeks to regulate access to data in addition to the duty to retain data. Therefore, the Charter was not to be applied – although this did not prevent the court from stating that, even if it were, the legislative provisions under review would not conflict with the Charter.” (p. 43)

### 3. Equality and non-discrimination

“Data published in 2015 show that eight Member States link postponing the retirement age to increased life expectancy: **Cyprus**, Denmark, Greece, Italy, the Netherlands, Slovakia, Portugal and the United Kingdom.” (p. 63)

“developing skills through providing financial support, training or personalised guidance to any or all of the following: young persons with disabilities, parents, single parents, women, early school leavers, recent graduates and those in long term unemployment (Austria, **Cyprus**, Greece).” (p. 63)

“At national level, the Supreme Court in Cyprus ruled on the legality of using age seniority as a criterion for promotion. The applicant applied for a promotion that was eventually awarded to an older candidate. The applicant argued that the Civil Service Law, which allows seniority to be taken into account in such cases, contradicts the Employment Equality Directive and constitutes age discrimination. The Supreme Court disagreed, holding that that the Civil Service Law is not discriminatory because it applies to all employees in the same position in the same way.” (p. 65)

“**Cyprus**, Malta, the Netherlands, Slovakia, Spain and the United Kingdom took action to counter discrimination based on disability.” (p. 68)

“The Ombudsman in **Cyprus** – in its capacity of independent authority for the rights of persons with disabilities – found that requiring persons with intellectual disabilities to present a court order appointing someone as their legal representative to manage their affairs is an obstacle to equal access to the minimum guaranteed income. The Ombudsman equated the duty to provide support to persons with disabilities to exercise their legal capacity with the duty to provide reasonable accommodation, the breach of which amounts to unlawful discrimination. The law governing the minimal guaranteed income has since been amended, removing the requirement for a court-ordered legal authorisation of the applicant’s representative.” (p. 68)



“In a case involving teachers whose appointment to posts in public schools were passed up in favour of teachers with disabilities, the Supreme Court in **Cyprus** affirmed the lawfulness of quotas in employment for persons with disabilities, in accordance with national legislation on hiring persons with disabilities in the public sector.” (p. 68)

“**Cyprus** and Greece adopted legislation on same-sex civil unions. The Cypriot Civil Cohabitation Act provides that a civil union entered into under this law broadly corresponds to a union under Marriage Law 104(I) of 2003. One main difference is that the Civil Cohabitation Act expressly excludes adoption.” (p. 69)

#### 4. Racism, xenophobia and related intolerance

“In September, the Interior Minister of **Cyprus** expressed a preference to host Orthodox Christian Syrian refugees, as they could more easily integrate into Cypriot society.” (p. 79)

“In the course of these bilateral exchanges, progress was reported in a number of Member States. Specifically, Austria, **Cyprus**, Romania and Spain all made relevant amendments to their criminal laws in 2015.” (p. 81)

“In the course of these bilateral exchanges, progress was reported in a number of Member States. Specifically, Austria, **Cyprus**, Romania and Spain all made relevant amendments to their criminal laws in 2015.” (p. 81)

“The Equinet analysis shows that equality bodies are competent to issue sanctions and recommendations in several Member States, including Belgium, Bulgaria, **Cyprus**, Denmark, Finland, France, Hungary, Latvia, Lithuania, Malta, Portugal and Romania.” (p. 86)

#### 5. Rights of the child

“In 2014, the Commission opened formal infringement procedures against 11 Member States for non-communication of national measures implementing the directive. By the end of 2015, it did close the cases involving **Cyprus**, Hungary, the Netherlands and the United Kingdom due to correct implementation or submission of information.” (p. 142)

#### 6. Access to justice, including rights of crime victims

“Combating violence against women is one of the priority goals of the action plan for gender equality for 2014–2017 in **Cyprus**. The interim goals it sets include signing the Istanbul Convention; training professionals who come into contact with victims; public awareness campaigns; research on sexual harassment at the workplace; data collection; adopting victim support measures; adopting a code against sexual harassment in the public service; and monitoring the activities of job placement agencies to combat trafficking of female migrant domestic workers.” (p. 173)

## Thematic Reports

Challenges facing civil society organisations working on human rights in the EU (January 2018)

<http://fra.europa.eu/en/publication/2018/challenges-facing-civil-society-orgs-human-rights-eu>

“**Cyprus**, Denmark, Estonia, Germany, Greece, the Netherlands, Poland, Portugal, Slovenia and Sweden criminalise defamation of foreign heads of state“ (p. 24)

“The policing of certain types of assemblies has, however, gradually improved in a number of Member States. For example, civil society actors report that policing of the annual pride parade in **Cyprus** ran smoothly, with police making extra efforts to ensure all participants felt safe.” (p. 26)

“In addition, legal definitions of non-governmental or civil society organisations vary from one Member State to another, or do not exist at all – as is the case for **Cyprus**, Lithuania and Luxembourg.” (p. 29)

“In **Cyprus**, in October 2016, the asylum legislation was amended to transpose the recast Asylum Procedures Directive 2013/32 and the recast Reception Conditions Directive 2013/33. The texts of the bills were extensive, but the NGO – the main provider of legal advice to asylum seekers for over a decade – was only given 10 working days to go through them. Out of the several issues flagged, just one was taken on board.” (p. 43)

**Promising practice: Securing and monitoring government commitments** “The Open Government Partnership (OGP) is a multilateral initiative that aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption and harness new technologies to strengthen governance. The OGP is overseen by a steering committee, including representatives of governments and CSOs. Apart from seven EU Member States (Austria, Belgium, **Cyprus**, Hungary, Poland, Portugal and Slovenia), all other Member States participate in the OGP.” (p. 45)

## Second European Union Minorities and Discrimination Survey - Main results (December 2017)

<http://fra.europa.eu/en/publication/2017/eumidis-ii-main-results>

“23 % of victims of hate-motivated harassment say the perpetrator was from another ethnic minority, and 8 % say that the perpetrator had the same ethnic or immigrant background as themselves. This proportion was much higher for respondents with Sub-Saharan African in France (35 %) and Sweden (44 %), Roma in Bulgaria (42 %) and Romania (40 %), as well as respondents with Asian background in **Cyprus** (45 %).” (pp. 16-17)

“By contrast, respondents with Asian background in **Cyprus** primarily refer to ethnic origin or immigrant background, which every fifth respondent (20 %) there indicates as the most common ground of discrimination.” (p. 28)

“Roma in Bulgaria (42 %) and Romania (40 %) as well as immigrants and descendants of immigrants from Asia living in **Cyprus** (45 %) also often indicated that the perpetrator had an ethnic minority background other than their own.” (p. 62)

“Nearly half of respondents with Asian background in **Cyprus** (42 %), Turkish background in Austria (41 %), and Sub-Saharan African background in Finland (38 %) were stopped by the police in the five years before the survey.” (p. 69)

“Immigrants and descendants of immigrants with recent immigration histories tend to have larger shares of close family members outside the country – such as immigrants from South Asia in Greece (44 %) and immigrants from Asia in **Cyprus** (29 %). Among recent immigrants in Slovenia, one in five have family outside the country (21 %).” (p. 76)

“A large gender gap can be observed, with women less often engaged in paid work, across target groups and countries – except for persons with Sub-Saharan African background in Austria and Portugal, persons from Turkey in Sweden, persons from Asia in **Cyprus**, and members of the Russian minority in Estonia.” (p. 77)

“there are many dual citizens among respondents from Asia in **Cyprus** (76 %)” (p. 85)

“The percentage of those with family outside the country is higher among groups with recent immigration histories, particularly among immigrants from South Asia in Greece (44 %) and immigrants from Asia in **Cyprus** (29 %).” (p. 86)

“Immigrants from Asia in **Cyprus** most often have not applied [for family reunification] because of plans to return to their home countries (27 %) or because their family does not want to come (25 %).” (p. 89)

“Respondents with [...] Asian background in Cyprus (83 %) [...] indicate engaging in paid work at higher rates than the employment rate reported for the general population in these countries.” (p. 96)

“first-generation immigrants from (South) Asian countries in Italy, Greece and **Cyprus** less often indicate feeling Italian, Greek and Cypriot than this group indicates feeling British in the United Kingdom. Due to the recent immigration history of (South) Asians in Italy, Greece and **Cyprus**, no reliable estimates on the second generation can be made.” (p. 104)

“With the exception of the Baltic countries, higher shares of women (55 % or higher) are found among immigrants and descendants of immigrants from Asian countries in **Cyprus** (64 %)” (p. 118)

## Second European Union Minorities and Discrimination Survey (EU-MIDIS II) Muslims – Selected findings (September 2017)

<http://fra.europa.eu/en/publication/2017/eumidis-ii-muslims-selected-findings>

“The share of respondents with no or temporarily limited residence rights is particularly high in Malta, Spain, Greece, **Cyprus** and Italy” (p. 18)

“On average, 16 % of the general population indicate that they would not like to have “homosexuals as their neighbours”, ranging from 5 % in Spain to 40 % in **Cyprus**” (p. 21)

“Particularly strong negative attitudes towards Muslims can be found in **Cyprus** (36 %)” (p. 21)

“In contrast, Muslim respondents from Sub-Saharan Africa in Sweden (44 %) and Muslim immigrants from Asia in **Cyprus** (37 %) show the highest awareness levels of such organisations in their country of residence.” (p. 36)

“The best known equality bodies are in Denmark (64 %), **Cyprus** (61 %) and the United Kingdom (52 %)” (p. 37)

“Muslim respondents from Asia in Cyprus and from South Asia in Italy report the lowest rates [of violence motivated by hatred] for the 12 months before the survey – close to zero” (p. 46)

## Together in the EU - Promoting the participation of migrants and their descendants (March 2017)

<http://fra.europa.eu/en/publication/2017/migrant-participation>

“**Cyprus**, Hungary, Malta, Poland and Sweden had no specific integration action plan for third-country nationals in 2015.” (p. 24)

“The results show that nationality-based discrimination against third-country nationals is explicitly prohibited in Belgium, Bulgaria, **Cyprus**, Finland, France, Hungary, Ireland, Italy, the Netherlands, Portugal, Romania and the United Kingdom.” (p. 30)

“FRA’s research identified systematic policy efforts to reach out and engage with immigrant parents in only four Member States (Denmark, Finland, France and Portugal). In 11 other

Member States, a number of relevant projects were identified (Austria, Belgium, **Cyprus**, Estonia, Germany, Ireland, Italy, the Netherlands, Luxembourg, Spain and Sweden).” (p. 41)

“In countries such as **Cyprus**, Estonia, Hungary, Latvia, Malta and Romania, as well as more recently in France and Ireland, trade unions implement ad hoc projects to support migrant participation.” (p. 47)

“**Cyprus** and Italy require language tests or language proficiency for residence permits, but not for citizenship.” (p. 51)

“The first group (Austria, Bulgaria, Croatia, **Cyprus**, France, Greece, Italy, Latvia, Malta, Poland and Romania) does not provide any electoral rights to third-country nationals and has not put in place national consultative bodies.” (p. 56)