



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Eighty-third session

Summary record of the 2254th meeting

Held at the Palais Wilson, Geneva, on Monday, 26 August 2013, at 10 a.m.

Chairperson: Mr. Avtonomov

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Seventeenth to twenty-second periodic reports of Cyprus

The meeting was called to order at 10.05 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Seventeenth to twenty-second periodic reports of Cyprus (CERD/C/CYP/17-22; CERD/C/CYP/Q/17-22; HRI/CORE/CYP/2013)

At the invitation of the Chairperson, the delegation of Cyprus took places at the Committee table.

Ms. Koursoumba (Cyprus) said that the State party had achieved many important goals in the fight against racial discrimination, particularly since its accession to the European Union in May 2004, through the development of many national action plans and the enactment of anti-discrimination legislation. Despite the difficulties it faced as a result of the global economic downturn, Cyprus was committed to continuing its efforts to ensure full compliance with all the international human rights treaties to which it was a party and continued to make voluntary contributions to United Nations funds and agencies pursuing human rights activities. However, it could not ensure the application of the Convention in areas occupied by Turkish military forces, amounting to 36.2 per cent of the territory, and was therefore unable to provide reliable information or data regarding the enjoyment of the relevant rights of the population in those areas.

A national referral mechanism and a related national action plan had been established pursuant to the Act on combating trafficking and exploitation of persons and the protection of victims. The national action plan against trafficking in human beings 2013–2015 provided for more systematic training of all public officials involved in that area, the private sector and NGOs. The Act on combating trafficking had been amended in 2012, placing greater emphasis on cooperation with NGOs, considered a key factor in the development of effective anti-trafficking policies and strategies. The Act, together with the Act on legal aid, was undergoing further review, with a view to extending the legal aid scheme to include advice, assistance and representation of victims of trafficking, and to cover judicial proceedings involving child victims. With regard to legislation on equal pay for equal work, action had been taken to identify, modify or repeal any collective agreement provisions likely to lead to gender pay discrimination. Furthermore, the decision had been taken to update the national action plan for the integration of third country nationals legally residing in Cyprus to cover the years 2013–2015, with the active participation of the relevant governmental authorities, social partners and civil society.

The number of complaints submitted to the mechanism responsible for examining complaints of violations of domestic workers' employment contracts had regularly decreased and efforts to reduce the gender pay gap had proved successful. The "artist visa" had been abolished to limit the sexual exploitation of women in the cabaret business.

Despite budget cuts, the Ministry of Health was trying to maintain free access to necessary medical care for vulnerable groups, including irregular immigrants, asylum seekers, pregnant women and children. A national plan to minimize the consequences of the economic crisis in public health care was being developed.

The police had incorporated anti-racism policies in its training curricula and operations. A new detention centre for illegal immigrants subject to deportation had begun operating in Menoyia, in January 2013, with staff trained in human rights issues and anti-racism legislation. A committee for the supervision of detention centres for irregular immigrants and a complaints committee for the immigrants in the Menoyia centre had subsequently been established. The independent authority for the investigation of allegations and complaints against the police closely monitored police conduct.

The Ombudsman also effectively monitored the conduct of the police, as well as of other Government authorities. In its capacity as Anti-Discrimination Body, it had considerable influence on the formulation of government policy and social awareness-raising, through

investigations, interventions and reports on racial discrimination issues. Reports had been prepared, for instance, on ethnic discrimination in the Tenant Act, public incitement by politicians to xenophobia and intolerance, racist behaviour towards immigrants by medical staff in public hospitals, education of Roma pupils, and the response of schools to racist incidents. The Anti-Discrimination Body also intervened in cases of alleged human rights violations. It had prevented the execution of deportation orders of Syrians irregularly living in Cyprus, in view of the situation in Syria. As a result, the Ministry of the Interior had granted a six-month temporary residence and work permit to all Syrians holding an identity card. Lastly, the Anti-Discrimination Body had participated in the drafting of anti-racism national action plans and was participating in the “No Hate Speech Movement” campaign.

As part of the large-scale educational reform process, a subject entitled “health education”, which included thematic units covering issues of discrimination, had been introduced into the curricula, from kindergarten to lower secondary school. Curricula also promoted the development of active citizenship and human rights education. The long-term strategic vision of the Ministry of Education and Culture involved initiatives designed to address social problems and to support prevention programmes, including some aimed at combating racial discrimination. A new policy had been implemented in recent years to facilitate the educational integration of pupils from third countries. Measures had been implemented to provide immediate support to schools facing situations of violence and juvenile delinquency.

In schools, educational psychologists devoted significant time to discrimination issues, in cooperation with teachers, and a crisis intervention programme had been implemented. Preventive programmes were in place, including in primary schools, on anti-social behaviour and school violence, including racism and bullying. Career and educational counsellors in secondary schools held workshops for pupils, designed to empower pupils against discrimination. The Pedagogical Institute provided in-service training for teachers, which included optional seminars on managing diversity, combating discrimination and education for democratic citizenship and human rights.

At the level of higher education, the State had strengthened its activities and policies to promote social cohesion and combat racism. The Ministry of Education and Culture implemented initiatives to promote intercultural dialogue and respect for intercultural diversity.

The Government placed emphasis on promoting tolerance and dialogue between Greek Cypriots and Turkish Cypriots. Turkish Cypriot pupils could attend a school of their choice and were not segregated. Zones of Educational Priority had been established in order to reduce geographical disparities. National minorities could promote their religious and cultural heritage and traditions with the aid of State funding.

Her Government was committed to strengthening its efforts to eliminate stereotypes that led to racial discrimination and to promote tolerance among all ethnic groups. The main challenge ahead was to secure the necessary resources for the effective operation of institutional mechanisms involved in combating discrimination and the further development of programmes promoting equality.

Ms. January-Bardill (Country Rapporteur) said that the fact that the Government could not ensure the application of the Convention throughout the State party, since it did not exercise control over all of its territory, was of particular concern to the Committee. The report provided very few details of the state of issues relating to race and ethnicity in the occupied northern territories. The global economic downturn had affected Cyprus severely, reducing growth and increasing unemployment, thereby creating the conditions for racial and ethnic tensions and increasing xenophobia and related intolerance. The political history of Cyprus had been shaped by “bicomunalism”, which was enshrined in its Constitution, and was consistent with the Committee’s notion of intersectionality. Ethnic and religious affiliations were thus inextricably intertwined. Demographics in the State party had been largely shaped by population movements since the partial occupation of the island by Turkey in 1974 and the State party’s accession to the European Union in 2003.

The Convention superseded national legislation, as highlighted in the Constitution, but there was no evidence in case law that the Convention had ever been invoked before the Courts. Notwithstanding its anti-discrimination provisions, the Constitution did not define racial discrimination as set forth in the Convention. While the Convention also required States parties to take the necessary measures to fulfil their obligations, it was only on entry into the European Union (EU) in 2004 that the State party had enacted anti-discrimination and anti-racism legislation. However, discrimination on the grounds of race was still not prohibited. She urged the State party to bring its domestic legislation fully into line with the provisions of the Convention.

She commended the State party on the many institutions and initiatives it had established, especially the national action plan against racism and the Police Office for Combating Discrimination. The Committee would welcome official data on the incidence of racist crimes and attacks. She welcomed the introduction of the Anti-Discrimination Body and the delegation’s updated information on the extensive powers of the Ombudsman. Given that NGOs had reported that the Ombudsman lacked resources and the requisite powers to be effective, she recommended that the national human rights institution should comply with the Paris Principles in its efforts to combat discrimination. To that end, the Ombudsman must be fully independent and have sufficient personnel and resources to carry out its important mandate.

While welcoming the information that had been provided on the Roma community, she drew attention to NGO reports that the Roma community had never been granted national status. The Roma were allegedly denied the right to self-identification, often lived in subhuman conditions, were segregated from the rest of society, while their rights were, in effect, ignored. She would welcome the delegation’s comments on those reports.

The Committee was also concerned at the plight of third-party nationals, asylum seekers and refugees, whose rights remained unprotected. NGO reports highlighted the existence of selective entry permits for wealthy EU and Gulf State nationals and gross human rights violations and racial, religious, ethnic and gender discrimination against poorer migrant workers, particularly domestic and agricultural workers. She welcomed the State party’s efforts to achieve gender equality and to integrate third-country nationals, but stressed that the beneficiaries of such initiatives must be involved in their design and implementation.

NGOs had indicated that the State party often failed to take action against individuals, right-wing groups, media outlets and politicians

who disseminated nationalistic, racist and anti-immigrant propaganda. They claimed that the local and national authorities responsible for monitoring hate speech had not condemned statements that clearly promoted anti-refugee, immigrant and racial minority sentiment. Given that such statements violated article 4 of the Convention, she would welcome data on any prosecutions or other efforts to prevent hate speech.

Mr. Diaconu requested additional information on people of Pontiac origin, to whom reference was made in paragraph 38 of the periodic report. It would be useful to know whether the group to which the report referred to as Latins (para. 73) was considered a minority in the State party and whether that group was composed of Roman Catholics only. It was regrettable that the periodic report and core document did not provide information on domestic legislation that prohibited racial discrimination or racist statements. While the Convention apparently took precedence over domestic legislation, it seemed that it had never been invoked directly before domestic courts. It would be useful to know how article 4 of the Convention was implemented in the State party, given that it was not directly applicable. One of the NGO reports indicated that hate speech and incitement to racial hatred had been criminalized in 1999; he requested a copy of that legislation. He would also welcome details of the legislation the State party had adopted in 2011 to implement the EU 2008 Council Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law. Given that the State party's anti-discrimination legislation was rather fragmented, he urged the Government to enact a single instrument prohibiting racial discrimination.

He asked why the Ombudsman had the power to investigate only complaints of racial discrimination brought by EU citizens. He wished to know whether the Ombudsman could refer violations of legislation directly to the civil and criminal judicial authorities. He commended the State party on setting up the Independent Authority for the Investigation of Allegations and Complaints against the Police.

He would welcome information on the steps the State party had taken or planned to take to implement the 2012 recommendation of the Committee on the Rights of the Child to set up a programme specifically addressing discrimination against children of Turkish descent and other ethnic minorities. It would also be useful to know how the State party had followed up on the 2009 concerns of the Committee on Economic, Social and Cultural Rights about persistent de facto discrimination against third country migrants, Turkish Cypriots and members of national minorities, especially Roma and Pontian Greeks, and the precarious situation of domestic workers.

Ms. Crickley requested clarification of whether there was a national human rights institution in the State party that had been awarded a status under the Paris Principles. She asked what provisions the State party had put in place to implement the EU 2008 Council Framework Decision on racism and xenophobia. She would welcome the delegation's comments on how the existing legal framework met the requirements of the Convention. She wished to know which minorities were protected under the provisions of the Framework Convention for the Protection of National Minorities of the Council of Europe and whether there were any national minorities that were not listed in the Framework Convention. It would be useful to hear how the State party supported and protected victims of trafficking, especially women from minority groups. She asked what provisions were being put into place to protect Muslims and ensure that freedom of religion and belief was a reality in the State party. She would welcome additional information on the national action plan for the integration of third-country nationals legally residing in Cyprus, particularly whether it included specific measures to combat racial discrimination.

The status of female domestic workers and of migrant women, who could be entirely dependent on their husbands' status, remained a significant concern. She asked whether the national action plan against racism was still in place. She would welcome additional information on the State party's efforts to introduce human rights education and, at the same time, combat racism in schools and provide support for vulnerable pupils. The Committee would appreciate details of the State party's efforts to integrate the Roma population and address the racial discrimination it faced.

Ms. Dah asked whether the competencies of the national human rights institution had been taken over by the Ombudsman. It would be useful to know what limits had been placed on the powers of the Ombudsman, how the Office of the Ombudsman functioned on a daily basis and how it implemented the provisions of the Convention. She wished to know how the needs of the State party's two communities were taken into account in the education system. In particular, she would welcome information on the teaching of contemporary history in schools and asked whether it included the possibility of reunification. Given that the education priority zones the State party had identified were in areas where the residents were marginalized minority communities, she asked whether that designation might result in increased segregation. It would be useful to learn whether the State party's policy on minorities included the Roma population.

Mr. de Gouttes drew attention to the February 2013 report of the Office of the United Nations High Commissioner for Human Rights on the question of human rights in Cyprus (A/HRC/22/18), saying that it highlighted the impact of the persistent division of the country, including people who had disappeared or been displaced, and relations between the religious communities. It encouraged further visits from special procedure mandate holders, and referred to the need to negotiate a comprehensive settlement. He would welcome the delegation's comments on those recommendations. It would be useful to hear whether some sectors of the population were victims of discrimination on both religious and ethnic grounds and if so, how the State party was addressing that situation. He asked how many of the population were Muslim and how many Roma people lived in Cyprus. The Committee would welcome information on the number of complaints the Ombudsman had received concerning discrimination on the grounds of race or ethnicity. It would also be useful to have details of the statistics contained in the police database of offences and incidents of a racial nature or with a racial motive. He asked whether any of the 137 complaints received in 2011 by the Independent Authority for the Investigation of Allegations and Complaints Against the Police had resulted in prosecution.

Mr. Ewonsan asked what measures the State party planned to take to combat the de facto discrimination suffered by the Roma population. He was also concerned at migrants' lack of access to employment and the precarious situation of domestic workers. It would be useful to learn what steps would be taken to prevent the problem of young people making racist attacks on people of African descent, on migrants' accommodation and in schools, and to combat impunity for such crimes. He urged the State party to pursue its efforts to teach human rights in order to foster a culture of mutual understanding and cultural diversity.

Mr. Kemal said that since the economic downturn, the far right had become vocal in attacking migrant workers, and organizations and individuals aiming to help migrants had been targeted by right wing extremists. He asked whether the Government supported NGOs that worked with immigrants and requested assurances that those who defended foreign workers were not targeted by right wing extremists and were protected by the Government.

Mr. Lindgren Alves said that there seemed to be a connection between the economic crisis in Europe and fascist policies being increasingly accepted. He wished to hear the delegation's opinion on the attitudes of racist organizations, which were spreading in Cyprus. The delegation had demonstrated the Government's willingness to defend human rights despite the economic crisis, and to avoid scapegoating particular groups for the economic difficulties. He asked whether the State party was secular or religious and why only religious minorities were recognized. Given that citizenship laws covered the whole island, he asked whether "Cypriot" referred to Turkish Cypriots as well as Greek Cypriots, whether the Turkish language was taught in the government-controlled territory, how history was taught and whether Turks were represented as enemies or fellow citizens. The State party should recognize other religious groups, such as Jewish and Muslim communities. Noting that he was exceeding the Committee's mandate, he asked whether the accession of the Turkish Cypriot Sector to the European Union would unite the country.

Mr. Saidou asked what the Convention's status in domestic law was following ratification and why no effort had been made to transpose it into law. He asked what the prerogatives of the Chief of Police were in tackling racial discrimination and how they applied in practice. He requested information on the structure of the Ombudsman, who its members were and how they were chosen, what human and financial resources it disposed of and whether it had local offices or just one central office.

Mr. Thornberry said that there had been a change to the structure of Cypriot society, raising questions concerning how legal developments had caught up with that change, especially regarding racial discrimination. There was occasionally a crossover between ethnicity and religion, which was important to the Committee given its reflections on intersectionality. He asked what the result of the registration of Cypriot Maronite Arabic under the European Charter for Regional or Minority Languages had been and what future measures were planned. Given that the language was not fully codified, to what extent was it possible to include it in school curricula? It was important not only for the community concerned, but also because of its symbolic value.

Ms. Koursoumba (Cyprus) said that the terms "communities" and "religious groups" were often confused. All treaties, including the Convention, applied equally to all groups and, although some provisions of the Constitution applied only to citizens, its human rights provisions applied to all. Those who had drafted the Constitution had allocated political rights to the Greek and Turkish Cypriot communities in proportion to their size and had defined them by language and religion. Individuals who were not members of either community were not recognized by the Constitution, while other groups that were entitled to citizenship were defined as religious groups if they comprised more than 1,000 people. Those groups had to decide whether to be incorporated into the Greek or the Turkish Cypriot community. "Religious groups" were those that had been traditionally resident in Cyprus when the Republic had been established, so immigrant Catholics did not represent such a group. Although some Roma had traditionally resided in the country, they had numbered fewer than 1,000 when the Republic had been established and so did not qualify as a religious group. However, they were Cypriots, so they were entitled to vote and were incorporated into the Turkish Cypriot community. Everyone in Cyprus had full enjoyment of their human rights and the State had the obligation to safeguard those rights.

The two official languages were Greek and Turkish, and all legal instruments had been promulgated in both languages until 1963, when the Turkish Cypriot community had decided to withdraw from the Government and courts. Cyprus was one State under international law, so when it had acceded to the European Union, it had done so as the whole territory. Therefore, all Cypriots were EU citizens and enjoyed EU rights and benefits; Turkish Cypriots could acquire identity documents and become EU citizens. However, the Government was exempted from ensuring the application of EU law in the part of the territory that it did not control. The Roma who resided in government-controlled territory benefited from measures to aid their integration, for example in education, but those measures needed to be strengthened.

The Convention took precedence over all domestic legislation, with the exception of the Constitution, which enshrined the principle of equality. Ratification laws provided for the implementation of the Convention. Equality laws were often fragmented because the process of harmonizing domestic legislation with EU law had been carried out quickly and under pressure. Cypriot lawyers did not invoke the Convention or any other international instrument; however the State did give protection to all people in Cyprus in accordance with the Convention.

The Ombudsman was the largest monitoring body in Cyprus and received complaints from citizens. Legislation had been drafted proposing a new human rights body that complied with the Paris Principles, but owing to financial constraints it had not been set up and the mandate had been given to the Ombudsman, which was independent and also complied with the Paris Principles. It had not applied for accreditation because of the time limit for applications.

The Chairperson asked Ms. Koursoumba to explain the position of her office within the Government. The Convention could be invoked by judges as well as lawyers, and elements could be included in domestic legislation.

The meeting rose at 1.05 p.m.