



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Summary record of the 2255th meeting

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Chairperson: Mr. Avtonomov

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The meeting was called to order at 3.10 p.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 (continued)
(CERD/C/CYP/17-22; CERD/C/CYP/Q/17-22; HRI/CORE/CYP/2011)

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

2. **Ms. Koursoumba** (Cyprus) said that the Office of the Law Commissioner was an independent body responsible for ensuring that Cyprus fulfilled its reporting obligations under international human rights instruments. Appointed by the President of the Republic for a six-year term, the Commissioner put forward proposals for legislative reform and submitted to the competent authorities proposals to ratify new international instruments, and also cooperated with the Ombudsman and the Commissioner for Children's Rights in drawing up treaty body reports. In Cyprus, all inhabitants, regardless of their origin — whether they were Turks, Maronites, Latins or Roma — enjoyed the same rights, even though, as a result of the political situation since 1963, legislative measures might appear to apply mainly to Greek Cypriots. However, that was not the case because, since 1974, the date of the de facto division of the island, measures had been taken to meet the needs of all the communities residing on both sides of the demarcation line. Thus, pupils living in districts inhabited predominantly by Turkish Cypriots received education in their mother tongue and, in accordance with the European Charter for Regional or Minority Languages, Armenian had been declared a protected minority language.

3. In 2004, the United Nations had drawn up a reunification plan for the island which had been put to the two communities by referendum and rejected by the Greek Cypriots. That had not prevented the island from joining the European Union in the same year, as a result of which all its inhabitants had become European citizens. Its national legislation met all the requirements of the Convention, and the Act against Racism and Other Forms of Discrimination (L.42(1)/2004) provided that racial motivation was an aggravating circumstance and a criminal offence. While it was true that there were active far right-wing groups in Cyprus, the problem was not confined to Cyprus, and its national legislation expressly prohibited any manifestation of racial hatred or incitement to racial hatred. In cooperation with the Ombudsman, non-governmental organizations (NGOs), particularly KISA, played an important role in developing public policies to combat discrimination. All the European directives that Cyprus was required to observe as a member of the European Union applied to all the population groups residing within the territory over which it exercised sovereignty. The Constitution guaranteed freedom of religion for all its citizens, whether of Orthodox, Muslim or other faith, and pupils were not obliged to attend religious instruction classes if that instruction was contrary to their beliefs. Lastly, people of Pontic origin were a minority community composed of descendants of inhabitants of the Black Sea region who were of Greek origin.

4. **Mr. Veis** (Cyprus) said that, according to data collected by the Independent Authority for the Investigation of Allegations and Complaints against the Police, 45 per cent of complaints against the police between 2009 and 2012 had related to allegations of human rights violations, of which 23 per cent had proved to be justified. Between 2010 and 2012, a total of 228 criminal investigations had been conducted to shed light on police misconduct. Most cases had given rise to criminal or disciplinary penalties, namely, suspension of salary, dismissal or reprimand. Between 2005 and 2012, convictions had been obtained for 78 per cent of the offences recorded in the electronic register of racially motivated crimes and offences. In order to address the high rate of non-reporting of racist offences, the police had taken measures to encourage victims to lodge complaints and to

cooperate with the prosecuting authorities and the anti-discrimination body. That body had carried out several investigations into racist incidents, particularly into the assault against a Cypriot of African origin by young people aged under 14, who had been acquitted as they had not reached the age of criminal responsibility. With regard to the assault against immigrants by groups of young people in Ipsonas, the 12 accused had been fined or given prison sentences. Following the clashes that had occurred during an anti-racism demonstration in November 2010, eight members of an association had been arrested and one had been convicted of assault against one of KISA's leaders. Faced with the upsurge in racist attacks, particularly because of intercommunity tensions caused by the crisis, the police and the anti-discrimination body had set up a framework for action to strengthen the protection of victims, raise their awareness of their rights and strengthen the investigation and intervention capacity of the police. The new training programme for police personnel to be introduced in September 2013 comprised seven modules aimed at raising awareness among all police personnel of human rights, respect for diversity and the fight against discrimination. Training courses would be provided by a multidisciplinary team composed of instructors from diverse backgrounds, such as lawyers, workers in centres for asylum seekers and university professors.

5. **Mr. Tsiakkiros** (Cyprus) said that the Government, which had been in power since March 2013, had appointed a Commissioner for Humanitarian Affairs, whose responsibilities included establishing links with representatives of national minorities and inviting their views on issues affecting them, and then submitting those views to the Ministry of Education and Culture. With regard to racism in schools, a multidisciplinary expert group, which worked with relevant NGOs, had been set up to accompany and advise vulnerable pupils. The Ministry had established other services to combat racism in schools, such as a school violence monitoring unit and school counselling centres. Whether attending private or public schools, Turkish Cypriot pupils were not subject to any form of discrimination and parents of children attending private schools received grants to cover the tuition fees. In Limassol, Turkish Cypriot students in secondary education were exempted from attending history and religious education classes, which were replaced by history and culture lessons in their own language. School curricula and textbooks had been completely revised in 2011, and reforms had been initiated to achieve equality of opportunity for all pupils, regardless of origin, gender, religion or social or other status, in a climate of tolerance and non-discrimination. The teaching of history was especially important to Cyprus, the aim was to advance pupils' understanding of the past, while at the same time providing forward-looking historical and multicultural insights.

6. As part of a project supported by the Action for Cooperation and Trust in Cyprus initiative, launched by the United Nations Development Programme (UNDP), an NGO had developed multilingual teaching materials that were free from any racial stereotypes and were intended for all students, be they Turkish or Greek Cypriots. Religious education was an integral part of school curricula, but it was becoming less and less didactic and more focused on raising awareness of diversity. Primary and secondary school pupils who were not of the Orthodox faith could be exempted from religious education at the request of their parents or guardian. Since 2008, formal steps had been taken to codify the Maronite Arabic language, which was an endangered minority language, and to develop its teaching. In order to avoid segregated education, every pupil must be educated in a school within the administrative district of his or her domicile. However, priority education areas had been established to meet the needs of pupils from disadvantaged families or whose mother tongue was not Greek, to prevent their marginalization and academic failure. In such schools, class sizes were reduced, teachers spoke the pupils' mother tongue and extracurricular activities, especially sports, were provided. Such initiatives had reduced school dropout and repetition rates and raised pupils' general level of attainment.

Furthermore, Roma pupils received bilingual education aimed at fostering their educational integration, and were provided with special textbooks and remedial classes.

7. **Ms. Christodoulidou** (Cyprus) said that, in recent years, some 700 Roma had resettled in areas controlled by the Government of Cyprus, which had rehoused them and given them access to education, health services and social benefits. The Ministry of the Interior was responsible for ensuring the maintenance of all mosques, of which there was at least one in each of the country's main municipalities. The Jewish minority, some one thousand strong, had a synagogue in Larnaca. Religions generally were respected in Cyprus. All migrants had the right to practise their religion freely. In 2010, the first National Action Plan for the Integration of Third-Country Nationals Legally Residing in Cyprus (2010–2012) had been adopted. The Plan had been designed to cover all aspects of immigrants' lives, including education, employment, health and culture. It must be noted, however, that very few of the measures set out in the Plan had been implemented, owing to a lack of coordination among the services concerned. In February 2013, a committee had been entrusted with drawing up a new, more realistic action plan.

8. Domestic workers were one of the most vulnerable groups as it was difficult for the State to monitor their working conditions. They were able, however, to lodge a complaint with the Aliens and Immigration Department of the Police, which submitted the case to the relevant department of the Ministry of Labour for consideration. In July 2013, the Ombudsman had published a report on the working conditions of domestic workers in Cyprus in which it had recommended in particular that measures should be taken to combat sexual harassment and ill-treatment suffered by women and to amend the employment contracts of domestic workers to take into account the possibility of human trafficking. The Ministry of the Interior was the national coordinator of activities to combat trafficking in persons and the sexual exploitation of migrant women. Since the adoption in 2007 of the Anti-Human Trafficking Act, which covered not only trafficking but also sexual and labour exploitation, the State had taken concrete steps to combat such practices. For instance, it had established a committee to combat trafficking and to coordinate anti-trafficking measures, which was composed of representatives of the public bodies concerned and four local NGOs. The committee had been given the task of preparing a document on the abolition of artist visas, which had been closely linked to trafficking and the forced prostitution of foreign women in Cyprus. Once that type of visa had disappeared, the number of cabarets had steadily decreased, from 130 in 2008 to about 10 in 2013. The National Action Plan against Trafficking in Human Beings 2010–2012 had been assessed in December 2012 and a new plan had been adopted in April 2013. The new plan called for all contracts offered to foreign workers to be translated and to include a paragraph defining human trafficking. Information brochures on trafficking issued in several languages continued to be distributed to migrants. In accordance with the law, victims of trafficking were able to obtain the services of an interpreter and have access to health services. Women victims of sexual exploitation had access to shelter accommodation and to the same working conditions as nationals. Alternatively, they were entitled to State support.

9. **Mr. de Gouttes** noted that the delegation had provided examples of cases in which investigations and prosecutions had been initiated but that it had not given information on criminal sentences handed down or any civil damages awarded to victims of racial discrimination. However, it would be helpful for the Committee to know the outcome of legal proceedings regarding violations of the Convention because such decisions helped to determine whether the law was applied effectively. The absence or lack of complaints or judgements relating to acts of racial discrimination was not necessarily a positive sign and could reflect victims' insufficient knowledge of their rights or a lack of awareness-raising by law enforcement officials and members of the judiciary on the gravity of that type of violation. The delegation was invited to comment on those observations.

10. **Mr. Veis** (Cyprus) said that the Cypriot authorities were aware that many violations of the Convention were never recorded or reported, as a result of which they had established a new framework to facilitate the filing of complaints. He recalled that the delegation had previously provided examples of cases of racial discrimination in which the perpetrator had been sentenced to imprisonment or a fine.

11. **Ms. Christodoulidou** (Cyprus) said that three cases of racial discrimination had been reported in which the victim had claimed compensation from the State or those responsible. In 2012, the number of convictions for sexual or labour exploitation had increased but remained too low given the scale of the problem. There was still room for progress in that area.

12. **Ms. Kouroumba** (Cyprus) agreed that the statistical data collection system should be improved and that the absence or paucity of convictions and civil claims for compensation could be the result of people's insufficient knowledge of their rights. The public authorities, aware of the problem, had taken steps, particularly as part of the various action plans that had been initiated, to inform the public of their right to file complaints in cases of violations.

13. **Ms. January-Bardill** (Country Rapporteur) asked for more information on the protection of asylum seekers and refugees and on the issue of refoulement, and also on the conditions for granting Cypriot citizenship to migrants from South-East Asian countries. According to the Committee's information, individuals had been denied a permanent residence permit even though they met the eligibility criteria.

14. **Ms. Christodoulidou** (Cyprus) said that asylum seekers received State benefits during the six-month period that followed the submission of their application. Once their application had been approved, they were authorized to work in some sectors and enjoyed all the rights guaranteed to refugees by the relevant international instruments. Domestic workers from South-East Asian countries were generally granted a four-year, non-renewable residence permit. Those wishing to stay longer in the country were not entitled to apply for Cypriot citizenship.

15. **Ms. Kouroumba** (Cyprus) said that naturalization should be clearly distinguished from the granting of a permanent residence permit. When the European Council Directive concerning the status of third-country nationals who were long-term residents had been incorporated into national law, many domestic workers had incorrectly assumed that they could request a permanent residence permit. In the case referred to by the Country Rapporteur, the Court of Appeal had considered that the Directive did not apply to domestic workers. It was now for the Court of Justice of the European Union to determine whether that interpretation was correct.

16. **Mr. Amir** enquired what bodies were accessible to Greek Cypriots living in areas no longer under the control of the Cypriot authorities who were victims of violations of the Convention. Which courts were competent to consider their complaints?

17. **Ms. Kouroumba** (Cyprus) said that, given that part of the island's territory was under foreign occupation, the Cypriot Government no longer exercised any control over that area. It was therefore no longer able to defend the rights of people living there even though they constantly suffered violations of their fundamental rights, including the rights enshrined in the Convention. In view of the situation and of the fact that Cyprus was a member of the European Union, some Greek Cypriots had brought the matter before the European Court of Human Rights, which had found that responsibility for human rights violations committed in that part of the island lay with the occupying Power and in no way with the Cypriot authorities.

18. **Mr. Vázquez** asked whether asylum seekers could obtain a permanent residence permit and be naturalized. He wished to know the sectors in which refugees were not permitted to work and the rationale for those restrictions. He invited the delegation to comment on information indicating that migrants had poor access to public medical services. With regard to the status of the Convention in national law, he understood that the Convention was subordinate to the Constitution but that it took precedence over national legislation and common law. He would like to know whether, although Cyprus was a common law country, the Convention could be invoked directly before the courts, particularly to make civil claims for compensation, or whether it could serve as a basis for initiating criminal proceedings. He invited the delegation to provide information on potential areas of discrepancy between the Convention and the Constitution.

19. **Ms. Koursoumba** (Cyprus) said that Cyprus was a common law country inasmuch as the jurisprudence of Cypriot courts was binding. Under article 169 of the Constitution, international treaties to which Cyprus was a party took precedence over national legislation. However, under its article 188, the Constitution was supreme and therefore had a higher status than the Convention. Nevertheless, there was no risk of discrepancy between that instrument and the Constitution because the provisions of article 28 of the Constitution — which established the principle of equality for all — were no less broad in scope than those of the Convention. The courts could not apply the Convention directly but that was of no consequence because enough laws had been adopted to punish all acts prohibited by the instrument, particularly those referred to in article 4. The situation of asylum seekers should not be confused with that of domestic workers, who came to work in a specific sector on a four-year contract. In the event that a domestic worker's employment contract was extended beyond four years, the law provided that, in some cases, the employee could be granted a long-term residence permit. The situation of asylum seekers was completely different because they did not enter the country in the same circumstances and with the same purpose. Those who obtained refugee status enjoyed all the rights guaranteed by the Convention relating to the Status of Refugees.

20. **Ms. Christodoulidou** (Cyprus) said that refugees enjoyed all the same rights as Cypriot citizens. Asylum seekers were not entitled to work within the first six months of submitting their asylum application and therefore lived on State social benefits. Beyond that period, they could take up employment but only in specific sectors such as the tertiary sector and agriculture.

21. **Ms. Sologianni** (Cyprus) said that in the past the procedure for processing asylum applications had taken years and many persons had taken advantage of that situation, including domestic workers claiming asylum as soon as their contract expired, which enabled them to remain in the country. A six-month waiting period had been established. The procedure had become much shorter and the backlog in processing applications had been cleared.

22. **Ms. Crickley** said she had taken note of the information provided by the delegation regarding the measures adopted to combat human trafficking and assist victims, and wished to know what criteria the Cypriot authorities used to determine whether a person had been a victim of trafficking. She would also like to know whether Cyprus intended to ratify the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189). The fact that that category of migrants was excluded from the system of protection of foreign workers posed obvious problems — as recognized by the delegation itself — and it would therefore be helpful to know how the State party intended to remedy the situation. Lastly, she asked the delegation to explain why the authorities had not requested accreditation for the National Institution for the Protection of Human Rights from the International Coordinating Committee of National Human Rights Institutions.

23. **Ms. Koursoumba** (Cyprus) said that the Government was considering the possibility of ratifying ILO Convention No. 189 but that the global financial crisis, which had had negative repercussions on the island's economy, did not allow for all the provisions of the instrument to be transposed into national law, in view of the cost of implementing some of them.

24. **Ms. Christodoulidou** (Cyprus) explained that the main goals of the National Action Plan against Trafficking in Human Beings were to carry out awareness-raising and information activities for the general public and to train officials. The Police Human Rights Office was the only body empowered to identify victims of trafficking. The Cypriot authorities considered that the issue was too complex to be left to the discretion of NGOs which, moreover, had their own criteria in that regard, while the Office followed the relevant standards set by Europol.

25. **Ms. Sologianni** (Cyprus) said that, during the period in which they were prohibited from working, asylum seekers received vouchers enabling them to purchase basic necessities in shops specifically designated by the authorities.

26. **Ms. Crickley** said that in the past, her country, Ireland, and other European States had applied a policy of distributing vouchers to asylum seekers but that it had had to be quickly abandoned owing to its unwanted effects, both on recipients and on the nature of the transactions carried out. The State party should review its policy in that area.

27. **The Chairperson**, speaking in his capacity as an expert, commended the ratification by Cyprus of the amendment to article 8 and congratulated the State party on making the declaration under article 14, recognizing the competence of the Committee to consider complaints from individuals or groups of individuals who considered themselves to be victims of a violation of the rights set out in the Convention. He understood that the State party was striving to incorporate the provisions of the Convention into its national legal order but that judges and lawyers were hesitant to invoke provisions of international human rights law. The situation could be partly resolved if awareness of international human rights law was raised among justice system professionals and if specific training was provided to them. Perhaps Cyprus should consider establishing a special body responsible for encouraging all courts, both criminal and civil, to invoke the provisions of the Convention in their rulings. The situation faced by Cyprus with the resurgence of extreme right-wing movements, in particular neo-Nazi groups, was far from an isolated case in Europe. Cyprus, which had always prided itself on resisting the temptation of Nazism during the Second World War, should make every effort to combat the scourge of neo-Nazism.

28. **Ms. January-Bardill** (Country Rapporteur) called on Cyprus, in its next periodic report, to provide more statistical data, disaggregated by ethnic and national origin, on the prison population. She was satisfied with the information provided by the delegation regarding national minorities but would welcome more details on the subject, particularly in order to better understand how they contributed to the development of society and to the enrichment of the country. The State party should stop considering asylum seekers as mere recipients of social benefits and passive subjects of law. Further information should be provided on the treatment of asylum seekers and refugees. It would also be useful if the State party's next report contained information on policy for integrating minorities and their effective contribution to and participation in the life of the country. The State party should also explain whether non-segregationist policies had been adopted with respect to Roma, particularly to combat discrimination against them. Hate speech was a matter of concern for the Committee and Cyprus was encouraged to fully implement the provisions of article 4 of the Convention in order to more effectively suppress the activities of extremist groups that targeted other population groups. Lastly, Cyprus was requested to incorporate the provisions of international law, beginning with the Convention, into a national instrument that could be easily invoked by the judiciary. Moreover, discrimination did not appear to be

explicitly prohibited in the economic, political and cultural spheres, and Cypriot legislation made no reference to discrimination based on colour or national origin. The State party should take steps to remedy those shortcomings.

29. **Ms. Koursoumba** (Cyprus) welcomed the Country Rapporteur's objective and detailed analysis of the situation in her country. Cyprus was confident that the Committee could help it to implement the Convention more effectively and, accordingly, the Committee's recommendations would be duly considered by the Government.

The meeting rose at 6 p.m.