

# Migration, Racial Discrimination and promoting equality in Cyprus: Trends and developments 2000 – 2005

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## 1. Executive Summary

### Employment

At the beginning of this report, an attempt to map patterns of inequality in employment is made, based on studies and the limited data available. The Third ECRI Report published in May 2006 came to confirm the findings of the Second ECRI Report that third country nationals continue to form the most vulnerable group despite institutional developments brought about by Cyprus' EU accession in 2004. Amongst migrant workers, evidence shows that domestic workers are in a most vulnerable position, along with asylum seekers whose right to access the labour market is restricted to farming and agriculture, the most low-status and low-paid jobs in the market, whilst evidence of violation of contract terms by employers is abundant.

The development of government policies in this field is also recorded and an assessment of the impact of these policies as well as of Cyprus' EU accession is offered. However, the limited awareness of the new legal framework by the public and by the legal community is highlighted, together with the fact that few initiatives or policies have been adopted by authorities or employers to combat racism at the workplace.

### Housing

In the field of housing discrimination and segregation, the vulnerable groups are identified and evidence of discrimination is provided. The particularly vulnerable situation of the Roma is highlighted through a review of the history of their advent from the north in 2000 and their efforts to settle in the area where they traditionally originate from, amidst protests from the locals and suspicion from the authorities. The poverty and squalor of the Roma settlements is described and an assessment of government policies in this respect is offered.

The ghettoisation of migrants in urban centres, the lack of housing to meet the pressing needs of the growing number of migrants, the bad condition of the housing made available to the migrants, their vulnerable situation vis-à-vis their landlords and the lack of integration policies and measures are discussed in this section. Special attention is paid to the reception centre for asylum seekers at the village of Kofinou; the impact of government policies in relation to this is assessed.

The last part of this section deals with the Turkish-Cypriots' efforts following the opening of the checkpoints in 2003, to repossess the properties in the south which they had been forced to

abandon during 1963-1974. Special mention is made of the case of Arif Mustafa, the only Turkish Cypriot who succeeded in recovering his property in the south with a Supreme Court order issued against the Ministry of Interior, highlighting government policies in this area.

## Legislation

A mapping of the legal framework in the field of anti-racism and anti-discrimination is made, consisting of the international and European Conventions signed and/or ratified by the Cypriot government, the human rights and anti-discrimination provisions of the Cyprus constitution and the legislation enacted in 2004 transposing the two anti-discrimination Directives. Attention is paid to the appointment of the Ombudsman as the national Equality Body with a mandate extending beyond the minimum required by the Race Directive and the most important developments are recorded focusing on complaints procedures. The regime regarding legal assistance to victims is recorded and legislative and policy developments in the field of racial harassment are described. Figures of the cases decided by the Equality Body since its commencement of operation are offered and a brief assessment of the impact of EU accession and EU policies in this field is offered.

## Education

The lack of data collection mechanisms and the absence of concrete long term policies to promote multiculturalism and human rights education are noted, with reference to the Third ECRI Report on Cyprus published in May 2006.

The vulnerable situation of the Roma, the Pontian Greek and the Turkish-speaking pupils is described with reference to their attainment level. Government policies effectively restricting access to education by migrant children are noted. The special measures adopted at a school with a concentration of Turkish-speaking pupils are evaluated and the developments and reactions over the setting up of a Turkish school in Limassol are noted.

The progress of the educational reform is monitored highlighting the good practice example of the semi-private English school. New policies over the teaching of religious instruction at schools are noted, alongside with developments over policies regarding financial aid to Turkish speaking pupils.

## Racist violence/crime

An attempt is made to review the developments of the last few years over the establishment of recording mechanism for racist crime, which came into operation in 2005 only to be rendered inoperable some months later. The three key events which have changed the landscape are described: the advent of the Roma in 2000, the opening of the checkpoints in 2003 and the ever increasing numbers of migrants and asylum seekers. Whilst underreporting is noted to be a problem, evidence is found in the Third ECRI Report and in various Amnesty International reports about violence, mainly from the police, towards these three groups.

In terms of the changes brought by EU accession, reference is made to the role of the Equality Body in addressing complaints mainly from migrants about racial violence.

## 2. Employment

### 2.1 Statistical Evidence of Inequality

Unemployment is still very low in Cyprus, despite a slight rise from 1,8% in 1990 to over 3,0% in 2004 and 4.5% for 2005. There are no figures of unemployment amongst migrants, as third country migrants are not allowed to claim any unemployment benefit. There are no figures of unemployment on the basis of racial or ethnic origin.

All major studies on the third country migrant workers in society point to the same conclusion that they remain ‘a vulnerable position’, as the Second ECRI Report on Cyprus<sup>1</sup> described them; they continue to be in a vulnerable position in spite the improvements of the institutional and legal framework, as the Third ECRI Report on Cyprus (published on 16 May 2006). This is particularly the case as regards their employment situation: the Third ECRI Report records that the working conditions in the sectors of the farming and agriculture industry, which is almost entirely made up by migrant workers and are sectors open to the employment to asylum seekers, are ‘extremely poor’: wages are well below the minimum fixed by collective sectors of the economy’. The Report refers to non-governmental organisation reports that asylum seekers are pushed towards the irregular labour market’ (para.55) and recommends that the Cypriot authorities ensure that asylum-seekers are not discriminated against in exercising the right to employment granted to them by law’ (para. 60).

Patterns of inequality in the labour market can be located if one examines the kind of jobs migrant from third countries and some other numerically smaller ethnic groups are concentrated in. Third country migrants are by policy design concentrated in the lower echelons of the labour hierarchy, as it is a condition for granting them employment and entry permit that they take up jobs that Cypriots do not wish to do: typically these are low skill, pay and status. However, what is particularly problematic is that migrant workers have little, if any opportunity for training and betterment, and no opportunity whatsoever to progress or advance in the employment ladder in terms of promotion or career move, as their stay is dependent on the particular job and employer.<sup>2</sup>

Similarly the Third ECRI Report on Cyprus refers to ‘manifestations of racism and discrimination affecting Turkish-Cypriots’. Other three studies record evidence of discrimination against migrant workers, as well as Turkish-Cypriots working in the southern territory under the control of the Cyprus Republic (para. 82) and the few Roma, who reside in the south (para. 83).<sup>3</sup>

The Cyprus Equality Body (Ombudsman) has ruled that the treatment of foreign domestic workers is discriminatory on the ground of race or ethnic origin as there is indirect discrimination against them: the Ombudsman referred to the low salaries paid to migrant domestic workers<sup>4</sup> compared to Cypriot workers, pointing out that the number of migrant female domestic workers

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<sup>1</sup> ECRI (2001) *Second Report on Cyprus*, European Commission against Racism and Intolerance, Council of Europe, Strasbourg, 3 July 2001.

<sup>2</sup> See Trimikliniotis, N. and Pantelides P, (2003) “Mapping Discriminatory Landscapes in the labour market”, in: *The Cyprus Review*, Vol. 15, Spring 2003, N. 1. and Harakis C. (ed.) (2005) *Antikoinoniki Symperifora ton Neon tis Kyprou-Ratsistikos taseis*, Athens: Sakoula.

<sup>3</sup> See Trimikliniotis, N. (2005), *Oi oroi apasxolisis ton metanaston ergaton kai o rolos tou syndikalistikou kinimatos sti diasfalisi ton ergatrikon kektimnon*, Cyprus Labour Institute, Nicosia, Cyprus.

<sup>4</sup> calculated at CYP0.82 per hour, contrasted with CYP4-Cyp5 per hour for Cypriots carrying out the same work: Cyprus Ombudsman Report File No. A.K.I 2/2005, dated 4.11.2005, page 4.

now in Cyprus is about 18.000.<sup>5</sup> The data is used to demonstrate the acuteness of the problem, based on the large size of this group and on the disparity in the salaries of migrants and locals. It certainly illustrates that there is indirect discrimination. The fact that there is evidence of discrimination and violation of the employment working condition of domestic workers was already recoded by the Second ECRI Report, as well as other studies.<sup>6</sup>

Moreover as regards the newly adopted regulations restricting access to the labour market for asylum seekers, who are now forced to work only in the farming and agriculture, the Third ECRI report criticises the authorities for presenting this restriction as a means to deter people from applying for asylum in Cyprus (para.57).

There are serious discrepancies in the figures provided by different Government departments. Below some alternative figures are presented in tables.

### *Distribution of Migrant Workers in Sectors of the Economy*

Year/ Sector	1997	1998	1999	2000	2001	2002	2003	2004	2005
Agriculture	1647	1681	1862	2018	2456	2933	3414	3823	3578
Manufacturing	2011	2058	2108	2052	2550	2854	3524	3883	3959
Fishing								46	42
Mining								55	60
Waters supply/ electricity and gas								9	8
Construction	1445	1463	1552	1398	1884	2592	3553	4614	4495
Tourism	3044	3804	4682	3761	5851	7288	7672	3351	2958
Wholesale / Retail/repairs	1269	1420	1429	1554	1951	2810	3487	4193	4692
Education								564	582
Restaurants								4838	4984
Health and Social activities								765	823
Other Trade Activities	1255	1425	1558	1629	2189	2441	-	1288	1446
Transport	-	-	-	-	-	-	1.388	750	802
Intermediary Financing Organisations	-	-	-	-	-	-	-	215	263
Services	-	-	-	-	-	-	-		
Domestic Labour	5467	6100	6925	7597	9515	10677	1224 8	1464 8	1586 3
Entertainment	1420	1425	1436	1440	1200	1200	1333	1118	1200
Other	2041	2185	2169	2578	2860	3346	3810	4	5

<sup>5</sup> This figure is based on the data of the Ministry of Interior, according to which the number of migrant female domestic workers in Cyprus in 2003 was 17.955.

<sup>6</sup> See Trimikliniotis, N. (1999) 'New Migration and Racism in Cyprus: The Racialisation of Migrant Workers', Anthias, F. and Lazarides, (ed.), *Into the Margins: Exclusion and Migration in Southern Europe*, Avebury; See also Trimikliniotis, N. and Pantelides P, (2003) "Mapping Discriminatory Landscapes in the labour market", in: *The Cyprus Review*, Vol. 15, Spring 2033, N. 1.

Kadir, N. (2001) A Preliminary Report: Labour Conditions of Asian Domestic Workers, Fulbright, (unpublished).

Total	1834	2013	2226	2239	2826	33700	3904	4518	4688
	4	6	3	8	7		1	2	0

\*This table was given to the social partners by the Department of Labour in July 2005. There is some variance with the figures provided by the Statistical Service. Moreover they do not include (a) EU nationals, (b) the Greek-Pontians, (c) students, (d) Asylum-seekers and refugees and (e) any estimate of the undocumented workers.

The following table provided by the Statistical Service gives other figures:

*Distribution of Migrant Workers in Sectors of the Economy<sup>7</sup>*

Year/ Sector	1996	1997	1998	1999	2000	2001	2002	2003
Agriculture	2903	1557	1607	1862	2088	2520	2901	3.474
Manufacturing	2153	1975	2078	2252	2146	2524	2735	3.413
Construction	1226	1383	1531	1694	1484	2137	2535	3.458
Tourism	2909	3149	3917	3518	5337	7232	4853	-
Trade	n.a	1255	1425	1558	1629	2189	2441	-
Transport	108	-	-	-	-	-	-	1.388
Banking	157	-	-	-	-	-	-	-
Services	908	-	-	-	-	-	-	-
Domestics	n.a.	5594	6179	6745	8243	9716	10164	12.236
Entertainment	-	-	-	1493	-	-	1212	
Other	6	2111	2263	2346	2774	3412	3384	1.008
Total	10370	17024	19000	21368	23701	29730	30225	24.977*

\*The total number of foreign workers in Cyprus in 2003 is 40.656. Other sectors of the economy are included in the statistical data by the Statistical Service.

*The Archive of Population and Migration Figures<sup>8</sup>*

THIRD COUNTRY NATIONALS WORKING IN CYPRUS	
EMPLOYMENT (GENERAL)	17047
HOME EMPLOYMENT (HOUSEMAID) [i.e. domestic workers]	22150

The Archive of Population and migration informed the NFP that the estimated number of undocumented workers is between 15000 to 20000 but gave no explanation as to how they made the calculation.<sup>9</sup>

The Cypriot authorities have included an annex to the Third ECRI Report on Cyprus (page 53), which refers to the rise of in the number of non-Cypriots from 20000 in 2000 to 75000 in 2005 “which includes an estimated 15per cent of illegal immigrants and another 7-8per cent on average asylum seekers”, a number that includes the Europeans and non-Europeans of various categories but does not include “a considerable number of visitors”, such as retired persons, students and those on a permanent resident permits.

<sup>7</sup> Statistical Service, Cyprus 2005.

<sup>8</sup> Letter to NFP 24.5.2005.

<sup>9</sup> Letter to NFP 24.5.2005.

2.2. As far as awareness of national authorities, the Third ECRI Report on Cyprus (2006) refers to the fact that ‘awareness of the broader legal framework against discrimination among the legal community and the general public is still very limited’ (p.7) and makes recommendation ‘that the authorities take steps to improve awareness of the provisions against discrimination’ (see para. 5, p. 8). The Ministry of Labour informs that the law on anti-discrimination is published on the website and there is a leaflet as a ‘Guide to legislation (letter to NFP 19.05.2006, File. No. 18.01.08). A number of seminars have been organised by the Ministry of Justice and the Cyprus Labour Institute.<sup>10</sup>

There is no evidence of changes in the balance of different types of policies being adopted to counter discrimination. Moreover there is no evidence of the adoption by employers of new, stronger or a wider range of policies to counter discrimination at the workplace or evidence of an awareness of diversity management, or the need to count ethnic origin in order to better combat discrimination.

2. 3. The institutional improvements are driven by the EU policy: most of the legislative changes were centred on accession to the EU and post accession the policies developed were mostly addressing what are perceived as EU obligations. However, the national government has also taken the opportunity to address other international obligations deriving from international instruments such as Protocol 12 and the ECRI reports. Nevertheless, it is apparent that national policy failed to implement all the EU and ECRI recommendations. The law transposing the Employment Directive (N.58(I)/2004), combined with the extended powers of the Equality Body to investigate complaints of discrimination in employment on the ground of racial/ethnic origin and issue binding decisions have alleviated the situation only marginally. Little effort was devoted into disseminating to the vulnerable groups the information about the new rights and procedures created by the transposition of the Employment Directive. The effect is that the new procedures have not been used extensively by migrant workers facing discrimination at the workplace. The delay in the transposition of the EU Directive on Long Term Residence is aggravating the vulnerable situation of many migrants who may face deportation as soon as their visa expires, despite having been ad worked lawfully in the country for several years.

### **3. Housing**

#### **3. 1. Trends in housing disparities or patterns of segregation of immigrants, ethnic minorities and Roma**

The most vulnerable groups in this and in other fields are the Roma and the third country migrant workers.<sup>11</sup> Since 23.04.2003 when the restrictions in movement between north and south of the island were partially lifted and Turkish-Cypriots were able to travel to the south, there have been a number of claims by Turkish Cypriot property owners submitted to the authorities for reinstatement, information or the right to sell or a combination of these claims. The trends regarding these three categories are examined separately.

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<sup>10</sup> See NFP National Annual Reports of Cyprus 2004 and 2005 for details of these seminars.

<sup>11</sup> Third ECRI Report on Cyprus, adopted on 16.12.2005, Strasbourg 16.05.2006, Council of Europe.

## Roma

In 1999-2000, a large number of Roma migrated from the Turkish-Cypriot controlled north to the south. This sudden flow could partly be explained by the fact that at about the same point in time a new policy entitling Roma families to a small state allowance came into force, but other reasons may also account for this movement of persons. Once they crossed over to the south, most of them settled in abandoned and derelict properties within old Turkish-Cypriot quarter<sup>12</sup> of Limassol which the Turkish Cypriots were forced to vacate several decades ago. Many of these houses were without doors or windows, sanitary system, electricity or water supply. By 2003, approximately 360 Roma persons settled in these properties, the large majority of them staying in large numbers in each house and without any preceding repair works. Twelve families were regarded as trespassers, since they occupied abandoned Turkish-Cypriot homes without permit from the competent authorities, but the majority of the families were granted the necessary permits, despite the bad state of repair of these houses.<sup>13</sup> The problem of poor housing in the area where the Roma settled was known from the very beginning: a study carried out by the Welfare Office in 2001 found that most houses were derelict and recommended that they be demolished because they were hazardous and dangerous for their inhabitants.<sup>14</sup> Various newspaper reports have also pointed to the squalor and poverty of these houses.<sup>15</sup>

The new influx of Roma to the south was met with protests from the locals, who often demanded from the authorities to relocate them elsewhere.<sup>16</sup> Studies indicate that there is wide-spread resentment against Roma arriving in Limassol and ‘causing trouble.’<sup>17</sup> One of these protests was submitted to the Cyprus Ombudsman in the form of a complaint against the authorities for allegedly ignoring the residents’ request to relocate the Roma settlement. In response, the Ombudsman’s report found the complainant’s allegations, of higher crime rates in the area owing to the presence of the Roma, as unfounded, indicating that the police records did not support this allegation. The Ombudsman went a step further and stressed the rights of the Roma community; condemned the authorities for lacking the political will to solve their problems and for yielding to the unreasonable reactions of the local communities; and recommended a set of measures for their social integration.<sup>18</sup>

The arrival of the Roma families in the south in the late 1990s and early 2000s was greeted with fear and suspicion not only by the locals but by the authorities as well.<sup>19</sup> The Minister of Justice and Public Order at the time, alleged in a public statement that the Roma families may well be

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<sup>12</sup> The Cypriot state regards the Roma as forming part of the Turkish-Cypriot community. As a community, the Roma are not constitutionally recognized.

<sup>13</sup> Information from the Ombudsman’s Report on the Gypsies of the Turkish-Cypriot quarter of Limassol, File No. A/P 839/2003, 10.12.2003.

<sup>14</sup> Confidential Report on the housing in the Turkish quarter of Limassol 27/9/2001.

<sup>15</sup> See Frankou, M., “Ti eginan oi koullofi tis Kiprou”, *Selides* 324, 06/02/1998, Savvides, G. “O keros ton tsinganon”, *Haravgi* 4/11/2001.

<sup>16</sup> Economides, S. (2001), “I Roma tis Kyprou kai to dikaioma tous stin evimeria”, *Economiki* (27.10.2001).

<sup>17</sup> See chapter ‘Voices of the Subaltern in Cyprus: A Study of Racial Exclusion’ in Trimikliniotis, N. (2006) *A European Dilemma: Racism, Discrimination and the Politics of Hatred in an Enlarged EU*, (forthcoming).

<sup>18</sup> Cyprus Ombudsman’s Report on the Gypsies of the Turkish-Cypriot quarter of Limassol, File No. A/P 839/2003, 10.12.2003.

<sup>19</sup> Hadjicosta, M. (2001) “Fears over gypsy influx”, *The Cyprus Weekly*, 13-19/04/2001 available at *Dom Research Center* <http://www.domresearchcenter.com/news/cyprus/index.html>

'Turkish spies'<sup>20</sup> whilst the Minister of the Interior at the time assured Greek-Cypriots that the authorities would "ensure that they will be moved to an area that is far away from any place where there are people living."<sup>21</sup> The Third ECRI Report on Cyprus notes that "...the Cypriot authorities have used language and displayed attitudes vis-à-vis these persons that were not conducive to defusing tensions and promoting acceptance of Roma by the local communities."<sup>22</sup> At the beginning of this influx, some Roma families were detained in Central Prison. Responding to criticisms for this practice, the Minister of the Interior at the time alleged that they were being 'hosted' there until 'suitable' housing is found for them.<sup>23</sup> This practice was discontinued when the Attorney General ruled it as illegal.<sup>24</sup>

In 2004, a study conducted by an independent expert points to 'a number of serious problems' faced by the Roma in Limassol, the most important of which being housing. The study states that 'some houses in the community lack basic necessities such as electricity and water as well as basic hygiene', large number of individuals are crammed under the same roof and children very often share their sleeping space with their parents.<sup>25</sup>

Following the arrival of Roma families in the south, a plan for their relocation and dispersing away from Limassol was compiled by the Minister of Interior in 2002, following a recommendation from the Limassol District Administration. The plan was intended to address the demands of the local communities who were opposing the settlement of the Roma in their area, rather than address the problem of housing discrimination which the Roma were facing. In August 2002 the plan was approved by the Council of Ministers, who also approved an expenditure of CyP255,000 (approximate Euro equivalent 440,000) for its implementation.

The plan was never implemented, as it met with resistance from the local communities inhabiting the areas where the Roma were to be relocated, as well as from the Roma themselves, who wanted to be close to urban centres in order to be near their places of work and also near the areas they originate from. As a result, the Roma families were left to reside in the old Turkish quarter of Limassol, where many houses continue to be in a bad state of repair. In addition, two more settlements in were created in villages within the Paphos district (Makounda and Polis Chrysochoos) where the housing conditions are also appalling. In her Annual Report for 2003 the Ombudsman referred to an investigation carried out by her office into these settlements where most families were residing in temporary structures set up by themselves made of corrugated iron, wood, carton and plastic and without electricity and pointed out that for the purpose of harmonisation with the EU acquis the authorities must compile an action plan using a holistic

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<sup>20</sup> Remarks by Justice Minister Koshis in Matthews, J. (2001) "More gypsies crossing from north as Koshis warns about spies", *The Cyprus Mail*, 03/04/2001, available at <http://www.domresearchcenter.com/news/cyprus/index.html>

<sup>21</sup> Editorial (2001) "Our reaction to Gypsies raises some awkward questions", in *The Cyprus Mail*, 10/04/ 2001, available at <http://www.domresearchcenter.com/news/cyprus/index.html>

<sup>22</sup> Third ECRI Report on Cyprus, adopted on 16.12.2005, Strasbourg 16.05.2006, Council of Europe, p. 25.

<sup>23</sup> A previous Interior Minister, Mr. Dinos Michaelides, stated that "To date all Turkish Cypriots, Turkish settlers and gypsies who have attempted to cross into the Republic have been sent back to where they came from," as "they are all considered to be spies." See Zenon, M. (2001) "Gypsies 'offered accommodation' in jail", *The Cyprus Review*, 20/04/2001.

<sup>24</sup> Hadjicosta, M. (2001) "Gypsies released from remand cells", *The Cyprus Weekly*, 20-26/04/2001.

<sup>25</sup> Spyrou, S. (2004) *Educational Needs of Turkish-speaking Children in Limassol*, UNOPS, February-March 2004, Nicosia. Research conducted in 2003 shows that the Roma themselves consider housing to be their most serious concern (see Trimikliniotis, N. 2005 *A European Dilemma: Racism, Discrimination and the Politics of Hatred in an Enlarged EU*, forthcoming).

approach for eliminating ethnic segregation and for respecting the diversity of the Roma.<sup>26</sup> A subsequent report released by the Cyprus Ombudsman on 30.06.2004 expressed concerns about the failure of the authorities to implement policies decided in March 2000 that were designed to tackle homelessness and unemployment among Roma. The report also noted that the Roma had problems accessing medical and education services in Makounda and criticized the authorities' refusal to grant Roma the rights that they should enjoy as Cypriot citizens.<sup>27</sup>

In response to an enquiry from the Cyprus NFP, the Cyprus Ministry of Interior, by their letter dated 09.05.2006, reported that on the basis of a housing plan compiled by the state and approved by the Council of Ministers, pre-fabricated units were set up in various communities in Limassol and Paphos with all necessary facilities (water and electricity supply, telephone, sewage etc) whilst at the same time many residences used for housing the Roma have been repaired. However, the Hepatitis incidents of June 2005<sup>28</sup> and the incidents of Visceral leishmaniasis of May 2006, both of which appeared in the Roma settlement of Makounda and are attributed to poor hygienic conditions in the settlement<sup>29</sup> indicate that there is still a lot to be done to improve the situation.

### *Migrants and asylum seekers*

As the number of migrant workers and asylum seekers increased during 2000-2005, the problem of housing segregation and discrimination started gradually to surface. By 2004 the problem had become so acute that the Mayor of Limassol Mr. Demetris Kontides, in his capacity as chair of the Cyprus Municipalities Association, suggested that the Association brings up with the Minister of Labour Social Insurance the fact that there are sections of the town which have become impoverished ghettos, primarily made up of migrants and has publicly called on the state to recognise the contribution of migrants to Cypriot society and economy.<sup>30</sup> By contrast, the statements made by the mayor of Nicosia Mr. Michael Zambellas in 2005 regarding the housing situation of migrants in the old part of the city have been the subject of complaints examined by the national Equality Body and by the Commission on Journalistic Ethics. In particular, on 26.09.2005 the mayor made a press statement blaming the migrants residing in the old part of town for the untidy picture of the area, alleging that the presence of the illegal migrants downgrades that part of the city causing families to be afraid to go there at nights. Both the Equality Body and the Commission on Journalistic Ethics criticized the Mayor's remarks, but failed to impose sanctions, restricting themselves to the recommendation that comments such as these be avoided in the future.<sup>31</sup>

During 2005 when housing segregation became more apparent to the public and to the media, numerous reports started to appear in the national media on the ghettos of immigrants in urban areas, particularly in the old part of Nicosia, some incorporating racist remarks,<sup>32</sup> others being critical of the xenophobic attitudes of the Cypriots in relation to these areas<sup>33</sup> and others

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<sup>26</sup> Cyprus Ombudsman Annual Report 2003, p.37.

<sup>27</sup> The Cyprus Ombudsman's report was quoted in: Amnesty International, Report on Cyprus covering events from January-December 2004.

<sup>28</sup> Nanos, C. (2005): "Se eksetaseis oloi oi athigganoi" in *Politis* (24.09.2005).

<sup>29</sup> Theodoulou, J. (2006): "Authorities play down rare disease in Gypsy camp" in *the Cyprus Mail* (26.05.2006).

<sup>30</sup> Lambraki, A. (2004) "Thema Ghetto Allodapon Egeiroun oi Demoi", in: *Fileleftheros* (27.08.04).

<sup>31</sup> Hadjivasilis, M. (2005) "Ekkathariseis allodapon stin palia Lefkosia" in *Philelftheros* (26.09.2005).

<sup>32</sup> Dalitis, F. (2005) "I kathariotita ksehase tin palia Lefkosia" in *Philelftheros* (23.09.05).

<sup>33</sup> Unsigned article "Stis paryfes tis ftohias, sta oria tis ejathliosios" in *Philelftheros* (15.09.2005).

criticizing the lack of inspections which results in landlords exploiting migrants by renting to them premises unfit for human habitation at high rent.<sup>34</sup>

In 2005, in an interview given to the press, the Commissioner for Legislation and president of the National Institution for the Protection of Human Rights (NIPHR) stated that the availability of housing is not sufficient to provide shelter for the 10,000 asylum seekers, the documented and the 20,000-25,000 undocumented migrants, many of whom sleep in parks or are crammed in tiny unsuitable apartments. She criticised the Cypriot Government for regulating only the economic dimension of immigration without formulating a complete immigration policy to include integration measures and warned that it is only a matter of time before the housing problem erupts with uncontrollable consequences. The Commissioner also referred to the practice of many landlords to evict their migrant tenants without due legal procedures but since many of them are undocumented, they cannot claim their rights against the landlord.<sup>35</sup>

The Reception Centre operated by the Ministry of Interior in the village of Kofinou offering shelter to asylum seekers has also attracted criticisms since it commenced operations at the beginning of 2004. In June 2003, when the centre was still under construction, the Council of Europe Commissioner for Human Rights Mr. Alvaro Robles visited Cyprus and compiled a report<sup>36</sup> which, inter alia, described the reception centre at the Kofinou as unsuitable for accommodating asylum seekers with families and children and recommended that an alternative suitable place is found. In support of this position, a report commissioned by UNHCR and compiled by a migrant support NGO ('Apanemi')<sup>37</sup> in 2005 on the conditions and practices prevailing at the centre, criticised its distant location from urban centres where asylum seekers could have access to the labour market, to NGO assistance and to the local community, the lack of training of the staff, the lack of programs for any lessons, training or recreational activities for the residents and many more issues. The new regulations on conditions of reception of asylum seekers adopted on 30.12.2005<sup>38</sup> provide that free transport will be offered from the reception centres to the urban centre and back every day as well as on emergencies (regulation 20(1)(d)). However NGO 'Apanemi' that regularly monitors conditions at the centre has reported<sup>39</sup> that this provision has not been implemented and that instead, the residents of the centre are given coupons in order to travel on the bus only if they have an appointment with a governmental office; also the bus stop is situated about two kilometres away from the centre and the buses do not run regularly.

At the time of writing, the Ombudsman was in the process of compiling a report on the Centre after having received a complaint about the conditions there; it is not yet known if the complaint invokes the anti-discrimination laws or other legal provisions.

The policy adopted by the Cypriot government in 2005 (and confirmed by legislation on reception conditions of asylum seekers in 2006), restricting access to the labour market for asylum seekers to only farming and agricultural jobs, has forced many families of asylum seekers

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<sup>34</sup> Vasiliou, V. (2005) 'Alosi tis entos ton teixon polis' in *Phileleftheros* (14.09.2005).

<sup>35</sup> Vasiliou, V. (2005) "Kratikos mihanismos: Ratsismos me osmi agglokratias" in *Phileleftheros* (17.09.2005).

<sup>36</sup> Report of the European Commissioner for Human Rights Alvaro Robles on Cyprus, submitted to the European Council on 12.02.2004.

<sup>37</sup> Kalimeri, J. (2005) Report on Conditions and practices at the Kofinou Reception Centre in Cyprus, Apanemi, Nicosia, Cyprus.

<sup>38</sup> Cyprus/ Refugee Law (Conditions of Reception of Asylum Seekers) Regulations 2005, No. 598/2005, 30.12.2005.

<sup>39</sup> Interview with Julia Kalimeri, 28.05.2006.

to seek accommodation in rural areas in adverse conditions, isolated from society, without access to NGO assistance and with many of their children having to discontinue their schooling.<sup>40</sup>

### *Turkish-Cypriots*

In 2004, the application of the Turkish-Cypriot Arif Moustafa to the Supreme Court<sup>41</sup> of the Republic for reinstatement of his property in the south was at the centre of public debates. The applicant had been forced to abandon his property in 1974 as part of the forceful movements of population exercised at the time. Since then, his property, same as all properties belonging to Turkish-Cypriots, were ‘administered’ by the Interior Minister who by virtue of a law that came into force in 1991<sup>42</sup> acts as ‘guardian’ of these properties, in the owners’ absence until a final settlement of the Cyprus problem is reached. In 2003 when the checkpoints were opened, the applicant moved to the south, residing in rented accommodation and applied to the Interior Minister for reinstatement of his property. His application was rejected invoking the 1991 ‘guardian’ law. The applicant then filed an application to the Supreme Court<sup>43</sup> to reverse the Minister’s decision. His application was successful and the Court ordered the reinstatement of his property. In deciding in favour of the applicant, the judge stated, inter alia, that the purpose of the law which vested the Interior Minister with the power to administer Turkish-Cypriot properties, was to protect them in the owner’s absence and not to retaliate to the occupation of Greek-Cypriot properties in the north by the Turkish army, which would constitute violation of Article 6<sup>44</sup> of the Cypriot Constitution, prohibiting discrimination on the ground of belonging to one or the other community. The Attorney-General immediately filed an objection and obtained an interim order suspending execution of the Supreme Court order, pending the examination of his objection. In the period that ensued, the authorities made efforts to reach an amicable settlement with the applicant, offering him alternative accommodation or compensation in lieu, in the hope that they may avoid a legal precedent that would open the way for more Turkish Cypriots to claim their properties in the south. Such a development could well prove a financial as well as a political disaster for the government, as most of these properties are used either by the government itself or by Greek-Cypriot refugees.<sup>45</sup>

Finally, when all efforts failed, on 13.02.2006 the Attorney General withdrew his objection and the judgement was executed: on 14.02.2006 Arif Mustafa was given possession of his house. The objections lodged by the Greek-Cypriots residing in Mustafa’s house were also withdrawn on the same day. In an effort to discourage other Turkish-Cypriots from applying for reinstatement of their properties, the Attorney General made a public statement that the Supreme Court’s decision in favour of Arif Mustafa is not binding on the government and that each case will be examined upon its own facts.<sup>46</sup>

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<sup>40</sup> Third ECRI Report on Cyprus, adopted on 16.12.2005.

<sup>41</sup> Supreme Court of Cyprus Case no.125/2004.

<sup>42</sup> Cyprus/ Law on Turkish-Cypriot Properties (Administration and Other Matters) (Temporary Provisions) 1991.

<sup>43</sup> Under Article 146 of the Cyprus Constitution, which entitles all persons to file applications to the Supreme Court to repeal administrative acts.

<sup>44</sup> Article 6 of the Constitution reads: “Subject to the express provisions of this Constitution, no law or decision of the House of Representatives or of any of the Communal Chambers, and no act or decision of any organ, authority or person in the Republic exercising executive power or administrative functions, shall discriminate against any of the two Communities or any person by virtue of being a member of a Community.”

<sup>45</sup> Psyllides, G. (2004), “Mustafa considers next move” in: *The Cyprus Mail* (12.10.2004), p. 5.

<sup>46</sup> Nearchou Y. (2006), “Me to kleidi sto heri paei sto spiti tou stin Episkopi” in: *Politis* (14.02.2006, p. 20.

So far, the number of applications from Turkish-Cypriots for reinstatement of their properties in the south has not been massive. This may to a large extent be due to the fact that the Arif Mustafa decision requires that they must be residing in the south for at least six months in order to claim their properties. By October 2005 there were sixty-five applications by Turkish Cypriots pending before the Interior Minister for reinstatement of property cases but none of them has as yet been resolved. At the time of writing, Arif Mustafa is the only person who has succeeded in repossessing his property in the south.

Out of all applications pending, that of Erdogan Durmus presents particular legal interest. In December 2005, Durmus filed a case against the Republic of Cyprus at the European Court of Human Rights (ECtHR) in respect of the expropriation of his property in the south, alleging discrimination on the ground of his ethnic origin. The applicant had first applied to the Minister of the Interior requesting information as to whether his property had been expropriated to build a power station, and reinstatement or compensation. In response, he was informed that his application would be examined after resolution of the Cyprus problem.<sup>47</sup> The applicant resorted directly to the ECtHR despite not having exhausted local remedies, because even if he applied to the courts in Cyprus, there was no chance whatsoever that he would ever get his property back before the resolution of the Cyprus problem, as this was prevented by the law itself and by the decision in the Arif Mustafa case, which requires prior residence of six months in the south.<sup>48</sup>

### 3. 2. Developments in policy measures on housing exclusion and discrimination

#### *(a). The scope of housing-related measures targeting migrants and minorities integrated in National Action Plans*

The National Action Plan for Social Integration for the period 2004-2006 published by the Cyprus Ministry of Labour and Social Insurance in July 2004 lists migrant workers as one of the vulnerable groups, but makes no mention of either the Roma or the Turkish-Cypriots<sup>49</sup> as ‘groups at risk’. The section relating to access to housing refers exclusively to supportive actions to Greek-Cypriot persons misplaced as a result of the 1974 Turkish invasion and to Greek-Cypriot low income families.

According to migrant support NGO Apanemi, the Asylum Service of the Ministry of Interior is in the process of compiling an action plan within the frame of the program supported by the European Refugee Fund but its intended scope has not as yet been publicised and it is not certain that housing will be one of the problems addressed.

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<sup>47</sup> This is a practice followed by the Interior Ministry in all enquires from Turkish-Cypriots, which has been criticised by the Cyprus Ombudsman.

<sup>48</sup> Information given to the Cyprus NFP by the applicant’s lawyer Mr Ali Fevsi Yesilada.

<sup>49</sup> The absence of any mention of the Turkish-Cypriots as a group at risk is odd considering the fact that further down in the National Action Plan a series of ‘support’ measures is foreseen for them (Cyprus National Action Plan for Social Integration 2004-2006, pp.46-47).

*b) Developments regarding monitoring housing discrimination both at local and national level. Changes and developments regarding complaints on housing discrimination, their nature and groups affected.*

The second ECRI report on Cyprus for the year 2000 urges the Cyprus government to develop a mechanism for the collection of reliable and comparable data broken down by ethnic origin, in order to better assess and evaluate the situation from the perspective of the minority groups.<sup>50</sup> This proposal was not implemented nor has another procedure been introduced for data collection or for monitoring housing discrimination.

In 2004, upon Cyprus' accession to the EU, the Ombudsman's office was appointed<sup>51</sup> as the national Equality Body, in compliance with Article 13 of the Race Directive (2000/43/EC). Although the new legal framework, enacted in harmonisation of Cypriot law with the two anti-discrimination Directives (2000/78/EC and 2000/43/EC), vests the Ombudsman with powers to investigate complaints even beyond the scope of the two Directives and including discrimination in access to housing, the Ombudsman has not received any complaint from migrants or members of minority groups for housing discrimination, pointing perhaps to both a lack of awareness of the new procedures amongst the affected groups as well as to a degree of mistrust for the system.

The recent call for proposals for activities supported by the European Refugee Fund issued by the Asylum Service of the Republic for the year 2006 made no provision for monitoring housing discrimination against asylum seekers, in spite of the criticisms levelled against the Cypriot government for failing to address the housing needs of the high number of asylum seekers.<sup>52</sup>

In 2004, in response to an enquiry from the NFP, the Cyprus Interior Ministry positioned itself on the question of addressing housing discrimination as follows:<sup>53</sup>

Directive 2000/43/EC (and the law transposing it) does not apply to differential treatment on account of nationality therefore no issue of unlawful discrimination arises in respect of migrants. The current restrictions in force for the acquisition of immovable property in Cyprus by non-Cypriots<sup>54</sup> are not discriminatory because they apply to all non-Cypriots and not only to persons of any particular origin.

The governmental housing plans apply only to Cypriot citizens, who can benefit from them irrespective of ethnic or racial origin. In 2004 these plans were under review, so as to make provision for EU citizens.

In May 2006, in response to another NFP enquiry, the Interior Ministry stated it has compiled a new housing plan for Cypriots and other EU citizens. However, all other EU citizens will have to prove that their uninterrupted stay in Cyprus for five years by submitting evidence, which was not specified.<sup>55</sup>

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<sup>50</sup> European Commission against Racism and Intolerance, Second Report on Cyprus adopted on 15.12.2000, Strasbourg 03.07.2001, Council of Europe, p.10.

<sup>51</sup> By virtue of the law: Cyprus/ The Combating of Racial and Some Other Forms of Discrimination (Commissioner) No. 42(1)/ 2004 (19.03.2004).

<sup>52</sup> See for instance interview with Commissioner for Legislation Leda Koursoumba in: Vasiliou, V. (2005) "Kratikos mihanismos: Ratsismos me osmi agglokratias" in *Phileleftheros* (17.09.2005).

<sup>53</sup> Letter from the Ministry of Interior to the Cyprus NFP, 04.10.2004.

<sup>54</sup> In order for a non-Cypriot to acquire property in Cyprus, an application for permit has to be filed to the district authorities. The permit is discretionary but is more often granted than not.

<sup>55</sup> Letter from the Ministry of Interior to the Ministry of Justice dated 09.05.2006.

Obviously, the above approach taken by the Ministry is rather restrictive. By dismissing discrimination on the ground of nationality as falling outside the scope of the Race Directive, the Ministry is not considering discrimination on the ground of ethnic/racial origin. Also, the competencies of the Ombudsman, appointed as the national equality body under Article 13 of the Race Directive do extend to nationality discrimination.<sup>56</sup> Moreover, provisions applying to all non-Cypriots and not just to some non-Cypriots are not necessarily devoid of discrimination.

### 3. 3. 'Good practices'

According to the latest Robles report, the Ministry of the Interior has approved a number of improvements to be carried out at the Kofinou Reception Centre, including a playground, reinforcement of security measures and building of kiosks. Furthermore, within the frame of the European Refugee Fund programme for 2005-2007, new improvement measures are to be introduced: a social worker will be appointed at the Centre, recreational activities for the residents will be organised and a number of en-suite bedrooms for families with small children will be erected.<sup>57</sup>

There are no schemes in place for offering credit facilities to migrant workers for acquiring property or for other purposes. In fact, following instructions from the migration authorities, banks will only open a certain type of bank accounts for migrant workers, ensuring that their banking transactions reflect the existing employer-specific and short-term nature of their stay. These bank accounts have so many restrictions imposed on them that the legality of this measure in view of the new anti-discrimination legislation is questionable. As regards Roma and Turkish-Cypriots strictly speaking there are no obstacles for them in obtaining credit from private banks, but it is very doubtful whether this would be at all possible, given the fact that banks require a mortgage exceeding the value of the loan, plus a number of personal guarantors and evidence of sufficient steady income in order to advance a loan: in view of the sensitive issue of recognition, Greek-Cypriot banks will not recognise evidence of income from the north or mortgage property located in the north.

### 3. 4. *The role of EU policy in shaping developments*

Since the Cypriot government established an asylum regime in 2000, Cyprus has seen a sharp increase in the numbers of asylum seekers. In 2001 the number of applications made for asylum was 1,766. The figure jumped to 5,037 applications in 2003, and 9,906 applications in 2004. The figures for the period between January and August 2005 show that 4,975 asylum applications were filed<sup>58</sup> whilst ECRI figures<sup>59</sup> for the whole of 2005 raise the number to 7,291. For the year 2004, Cyprus was regarded as having experienced the greatest change in its role as an asylum

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<sup>56</sup> Cyprus/ The Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(1)/ 2004 (19.03.2004), Section 3(1).(b), Part I. This provision empowers the Ombudsman to promote equality of the enjoyment of rights and freedoms safeguarded by the Cyprus Constitution (Part II) or by Protocol 12 of the European Convention for Human Rights and Fundamental Freedoms; the International Convention for the Elimination of All Forms of Racial Discrimination; the Framework Convention for the Protection of National Minorities; the Covenant for Civil and Political Rights and the Convention Against Torture and Inhuman and Degrading Treatment or Punishment.

<sup>57</sup> Follow-up Report 2003-2006 by Council of Europe Commissioner for Human Rights Alvaro Robles, Strasbourg 29.3.2006.

<sup>58</sup> UNHCR figures for 2001- August 2005.

<sup>59</sup> Third ECRI Report on Cyprus, adopted on 16.12.2005, Strasbourg 16.05.2006, Council of Europe.

country among thirty six European and non-European countries.<sup>60</sup> For the year 2004, Cyprus ranked tenth amongst other receiving countries, ranking higher than the Netherlands, Norway, Ireland, Poland and the Slovak Republic. The sharp rise in figures may be justified by a number of reasons: Cyprus' EU accession is perhaps one of them, but the recent establishment of an asylum regime may also have contributed to this development. The sharp rise in numbers caught the authorities unprepared. The examination of applications, processed by an understaffed department at the Ministry of Interior, can take up to three years whilst asylum seekers have restricted access to the labour market and may or may not be entitled to a meagre housing benefit paid to them irregularly for a limited period of time. Directive 2003/9/EC laying down minimum standards for the reception of asylum seekers gives states a wide margin of discretion in addressing the problem of housing asylum seekers; this is reflected in the new regulations enacted on 30.12.2005 on reception conditions<sup>61</sup> which make no provision for combating housing discrimination or promoting anti-segregation measures. It is hoped, however, that activities undertaken within the frame of the European Refugee Fund will help alleviate the situation.

The new procedures established under the 2004 anti-discrimination legislation transposing Directives 2000/78/EC and 222/43/EC have not been utilised to alleviate the housing problems faced by migrants. The need for an integrated approach in addressing this and other problems faced by migrants, through the design and implementation of an integration policy has been stressed often enough. It is hoped that the new immigration bill<sup>62</sup> which was tabled in Parliament in March 2006 and which purports to transpose Directive 2003/109/EC on long terms migrants and Directive 2003/86/EC on family reunion, will form the basis for an immigration policy which was so far lacking.

In the case of the Turkish-Cypriots' claims for reinstatement of their properties in the south, the only case in respect of which judgement has been delivered is that of Arif Mustafa v. the Republic. The case was initiated before the new anti-discrimination laws came into force and reliance was thus made to the anti-discrimination provisions in the Constitution.

In the case of the right of nationals of other EU countries to acquire property in Cyprus, a restrictive interpretation of the Race Directive has in fact neutralised the effect of this Directive, as indicated in paragraph 3.2.(b) above.

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<sup>60</sup> Follow-up Report 2003-2006 by Council of Europe Commissioner for Human Rights Alvaro Robles, Strasbourg 29.3.2006. The figures for asylum applications submitted during the same period vary slightly in the Third ECRI Report on Cyprus, adopted on 16.12.2005, Strasbourg 16.05.2006, Council of Europe.

<sup>61</sup> Cyprus/ Refugee Law (Conditions of Reception of Asylum Seekers) Regulations 2005, No. 598/2005, 30.12.2005.

<sup>62</sup> Bill amending the Aliens and Immigration law, submitted to the House of Parliament on 22.03.2006.

## 4. Legislation

4. 1. Describe legal developments during the reporting period in your country addressing racial and ethnic discrimination focusing on the following key issues (please ensure that you describe the situation before and after, so that we can assess the significance of the changes):

a) Changes in the legal procedures or introduction of new ones available to victims of discrimination.

Cyprus has ratified a number of international conventions on human rights which include anti-discrimination provisions, although not necessarily creating complaint procedures for victims. By the end of the year 2000, when the second ECRI Report on Cyprus<sup>63</sup> was adopted, Cyprus had signed but not ratified: the Additional Protocol 12 to the European Convention on Human Rights, which widens the scope of application of Article 14 of the Convention; the European Charter for Regional or Minority Languages; the Convention on Participation of Foreigners in Public Life at Local Level; and the European Convention on Nationality. The European Convention on the Legal Status of Migrant Workers has not been signed.

In 2002 Cyprus ratified Protocol 12 to the Convention for the protection of Human Rights and Fundamental Freedoms<sup>64</sup> which will enter into force three months after the date on which ten member states of the Council of Europe will have ratified the Protocol. Also in 2002 Cyprus ratified the European Charter for Regional or Minority Languages by means of a ratification instrument deposited on 26.08.2002. The Convention on the Participation of Foreigners in Public Life and Local Level has not been ratified yet, in spite of recommendations from the Ombudsman to proceed with ratification and despite the Ombudsman's criticisms for the lack of governmental policies towards social integration of migrants.<sup>65</sup> Directive 2003/109/EC on long terms migrants and Directive 2003/86/EC on family reunion have not been transposed yet but a new immigration bill presented in Parliament in March 2006<sup>66</sup> purports to transpose both of these directives.

The legal regime in the field of discrimination prior to Cyprus' EU accession was to a large extent based on the Cyprus Constitution. Article 28(1) of the Cyprus Constitution, which corresponds to Article 14 of the ECHR provides that "[a]ll persons are equal before the law, the administration, and justice, and are entitled to equal protection thereof and treatment thereby" whilst Article 28(2) enshrines the enjoyment of rights and liberties by all persons without any direct or indirect discrimination on the grounds of community, race, religion, language, sex, political or other conviction, national or social descent, birth, colour, wealth, social class or any ground whatsoever.

Part II of the Constitution which applies in full to natives and non-natives alike, sets out the "Fundamental Rights and Liberties", incorporating verbatim and in some instances expanding

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<sup>63</sup> Second ECRI Report on Cyprus adopted on 15.12.2000, Strasbourg 03.07.2001, Council of Europe.

<sup>64</sup> By enacting Law No. 13(III)/2002 dated 19.04.2002.

<sup>65</sup> Cyprus Ombudsman Report No. AKR 61/2004, dated 10.06.2005. The Report was communicated by the Ombudsman to the Ministers of Interior, External Affairs and Justice and to the House of Representatives.

<sup>66</sup> Bill amending the Aliens and Immigration law, submitted to the House of Parliament on 22.03.2006.

upon the rights and liberties safeguarded by the ECHR. However, Article 11 of the Constitution allows for detention of aliens with a view to deportation or extradition.

Article 30 of Part II of the Constitution guarantees the right of access to the Courts as one of the fundamental rights and liberties. This is afforded to everyone, non-citizens and citizens alike and irrespective of ethnic origin.

In the area of employment, the Law on Unfair Dismissal No. 24/1967 renders dismissal on grounds such as race, colour, family condition, religion, political opinion, national origin or social descent 'unfair' and therefore actionable.

However, this extensive anti-discrimination framework did not provide an effective enforcement mechanism.<sup>67</sup> Until the eve of its EU accession, Cyprus lacked a comprehensive primary anti-discrimination legal framework, as indicated by the second ECRI Report on Cyprus (2001). In a similar vein, the European Commission Report of 2002, under the heading *On the issue of human rights and the protection of minorities*, states that significant work still needs to be done in the area of anti-discrimination.<sup>68</sup>

On 01.05.2004 three laws came into force purporting to transpose Directives 43/2000/EC and 78/2000/EC: (a) The Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law<sup>69</sup> purporting to discharge of the Republic's obligation to appoint a national Equality Body under Article 13 of the Race Directive (hereinafter Law No. 42(1)); (b) The Equal Treatment (Racial or Ethnic Origin) Law<sup>70</sup> purporting to transpose the Race Directive; and (c) The Equal Treatment in Employment and Occupation Law<sup>71</sup> purporting to transpose the Framework Directive.

Law No. 42(1) appoints the Commissioner of Administration or *Ombudsman*, an independent officer appointed by the President of the Republic, as the specialised body to (i) combat racist and indirectly racist discrimination as well as discrimination forbidden by law and generally discrimination on the grounds of race, community, language, colour, religion, political or other beliefs and national or ethnic origin;<sup>72</sup> (ii) promote equality of the enjoyment of rights and freedoms safeguarded by the Cyprus Constitution (Part II) or by one or more of the Conventions

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<sup>67</sup> The Attorney General's office holds the view that a Supreme Court judgement of 2001 (*Yiallourou v. Evgenios Nicolaou*) establishes a precedent whereby any person suffering discrimination in the enjoyment of his/her Constitutional rights on the ground of, inter alia, race, community, colour, religion, language or national origin, can sue the state or private persons and claim damages or other civil law remedies. The Attorney General's office also considers this remedy to be "...additional, and of wider ambit..." than the procedure offered by the law transposing the Race Directive: Information on developments since the Second Report on Cyprus (adopted on 15 Dec 2000) pp. 2-3.

<sup>68</sup> The relevant section reads: "Cyprus has ratified all major human rights conventions and signed Protocol 12 to the European Convention on Human Rights on 4 November 2000 prohibiting discrimination on any grounds. Whereas Art. 28 (2) of the Constitution prohibits any direct or indirect discrimination against any person on the grounds of his community, race, religion, language, sex, political or other convictions, national or social descent, birth, colour, wealth, social class, or any ground whatsoever, there is no specific implementation legislation for the EC non-discrimination directives adopted in 2000."

<sup>69</sup> Cyprus/ The Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(1)/ 2004 (19.03.2004)

<sup>70</sup> Cyprus/ The Equal Treatment (Racial or Ethnic Origin) Law No. 59(I) /2004 (31.3.2004)

<sup>71</sup> Cyprus / The Equal Treatment in Employment and Occupation of 2004 No. 58 (1)/2004 (31.3.2004).

<sup>72</sup> Cyprus/ The Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(1)/ 2004 (19.03.2004), Section 3.(1).(a), Part I..

ratified by Cyprus and referred to explicitly in the Law<sup>73</sup> irrespective of ‘race’, community, language, colour, religion, political or other beliefs, national or ethnic origin<sup>74</sup> and (iii) promote equality of opportunity in the areas of employment, access to vocational training, working conditions including pay, membership to trade unions or other associations, social insurance and medical care, education and access to goods and services including housing.

The Law vests the Ombudsman with powers beyond those prescribed by the two EU Directives: the power to receive and investigate complaints of discriminatory treatment, behaviour, regulation, condition, criterion or practice prohibited by law; the power to issue reports of findings; the power to issue orders (through publication in the Official Gazette) for the elimination within a specified time limit<sup>75</sup> of the situation which directly produced discrimination, although such right is somewhat limited by a number of exceptions.<sup>76</sup> The Ombudsman’s decisions can be used for the purposes of obtaining damages in a district court or at an employment tribunal.

The Ombudsman is further empowered to impose small fines,<sup>77</sup> to issue recommendations to the person against whom a complaint has been lodged, and to supervise compliance with orders issued against persons found guilty of discrimination.<sup>78</sup> However, all orders, fines and recommendations issued or imposed by the Ombudsman under this Law are subject to

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<sup>73</sup> These Conventions are: Protocol 12 of the European Convention for Human Rights and Fundamental Freedoms; the International Convention for the Elimination of All Forms of Racial Discrimination; the Framework Convention for the Protection of National Minorities; the Covenant for Civil and Political Rights and the Convention Against Torture and Inhuman and Degrading Treatment or Punishment.

<sup>74</sup> Cyprus/ The Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(1)/ 2004 (19.03.2004), Section 3(1).(b), Part I.

<sup>75</sup> Which time limit shall not exceed 90 days from publication in the Official gazette (Cyprus/ The Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(1)/ 2004 (19.03.2004), Section 28).

<sup>76</sup> Cyprus/ The Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(1)/ 2004 (19.03.2004), section 14(2) and section 14(3), Part III, list the limitations to the Commissioner’s power to issue orders as follows: where the act complained of is pursuant to another law or regulation, in which case the Commissioner advises the Attorney General accordingly, who will advise the competent Ministry and/or the Council of Ministers about measures to be taken to remedy the situation [Cyprus/ The Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(1)/ 2004 (19.03.2004), Sections 39(3) and 39(4)]; and where discrimination did not occur exclusively as a result of violation of the relevant law; where there is no practical direct way of eradicating the situation or where such eradication would adversely affect third parties; where the eradication cannot take place without violating contractual obligations of persons of private or public law; where the complainant does not wish for an order to be issued; or where the situation complained of no longer subsists.

<sup>77</sup> The fine to be imposed cannot exceed CYP350 for discriminatory behaviour, treatment or practice [Cyprus/ The Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(1)/ 2004 (19.03.2004), Section 18(a)], CYP250 for racial discrimination in the enjoyment of a right or freedom [Cyprus/ The Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(1)/ 2004 (19.03.2004), Section 18(b)], CYP350 for non-compliance with the Commissioner’s recommendation within the specified time limit [Cyprus/ The Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(1)/ 2004 (19.03.2004), Section 26(1) (a)] and CYP50 daily for continuing non-compliance after the deadline set by the Commissioner [Cyprus/ The Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(1)/ 2004 (19.03.2004), Section 26(1) (b)]. Generally speaking, the fines are considered to be very low.

<sup>78</sup> Cyprus/ The Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(1)/ 2004 (19.03.2004), Section 24(1).

annulment<sup>79</sup> by the Supreme Court of Cyprus upon an appeal lodged by a person with a ‘vested interest.’<sup>80</sup>

The Ombudsman may also investigate issues on his/her own right where the Ombudsman deems that any particular case that came to his/her attention may constitute a violation of the law.<sup>81</sup> Also, the Ombudsman may investigate cases following applications by NGOs, chambers, organizations, committees, associations, clubs, foundations, trade unions, funds and councils acting for the benefit of professions or other types of labour, employers, employees or any other organised group, local authorities, public law persons, the Council of Ministers, the House of Parliament etc.<sup>82</sup> In such cases, the Ombudsman is empowered to issue recommendations to the person or group found guilty of discriminatory behaviour as to alternative treatment or conduct, abolition or substitution of the provision, term, criterion or practice.

The findings and reports of the Ombudsman must be communicated to the Attorney General of the Cyprus Republic who will, in turn advise the Cyprus Republic on the adoption or not of appropriate legislative or administrative measures, taking into account the Republic’s international law obligations and who will at the same time prepare legislation for the abolition or substitution of the relevant legislative provision.

There are, however, certain weaknesses affecting the overall effectiveness of the system. First of all the apparent reluctance of the government to allocate human and financial resources to the Ombudsman’s office, so as to enable it to cope with the volume of work it faces, is increasingly resulting in more and more in the investigation of complaints, many of which are of an urgent nature. In its third report on Cyprus, ECRI stresses the need for resources to be made available to the Ombudsman to enable her to respond to her tasks.<sup>83</sup> The lack of resources is also the reason why little or no measures have been taken in order to bring to the attention of vulnerable groups (members of the Turkish Cypriot community, the Roma, the Pontians, migrant workers and asylum seekers) the new legal developments and the new complaint procedures open to them. By way of example, the Ombudsman’s website until this date continues to be only in Greek.

Another weakness is the fact that the maximum fines which the Ombudsman is entitled to impose range from CYP4,000 (approximately Euro 6,900) to CYP7,000 (approximately Euro 12,000); in some cases penalties can include, in addition to the fine, imprisonment of up to six months.<sup>84</sup> In fact, the fine for racial or indirect racial discrimination in the enjoyment of a protected right or freedom (436 Euro) is lower than the fine for “discrimination prohibited by law” (610 Euro).<sup>85</sup> The amounts are clearly not high enough to constitute a deterrent. Theoretically victims may use the Ombudsman’s decision in order to claim compensation from the Courts but in practice this has not happened so far, perhaps because victims of racial/ethnic discrimination very rarely have the means to instigate a legal suit. However, the biggest drawback is not in the institutional

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<sup>79</sup> Cyprus/ The Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(1)/ 2004 (19.03.2004), Section 23.

<sup>80</sup> Term used in Section 146 of the Cyprus Constitution, which sets out the procedure for appeal to the Supreme Court of Cyprus.

<sup>81</sup> Cyprus/ The Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(1)/ 2004 (19.03.2004), Section 33.

<sup>82</sup> Cyprus/ The Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(1)/ 2004 (19.03.2004), Section 34(2).

<sup>83</sup> Third ECRI Report on Cyprus, adopted on 16.12.2005, Strasbourg 16.05.2006, Council of Europe.

<sup>84</sup> Cyprus/ The Equal Treatment (Racial or Ethnic Origin) Law No. 59(I) /2004 (31.3.2004) Section 13.

<sup>85</sup> Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(1)/ 2004, section 18.

framework but the way the Ombudsman has chosen to utilise it. Since it commenced its work as the national Equality Body in May 2004, the Ombudsman's office has not issued any binding orders, nor has it imposed any fines, restricting itself to mere recommendations; this policy is at least partly responsible for the low compliance rate with its decisions, particularly on the part of the police.<sup>86</sup>

An alternative complaints procedure may soon be available to victims who wish to file a complaint against the police. On 12.09.2005 a bill was tabled in Parliament, titled "The Police (Independent Authority for Investigating Allegations and Complaints) Law", aimed at establishing a procedure of investigating complaints against members of its own force. The Attorney General's office has explained this move<sup>87</sup> as an effort to enable criminal proceedings to be instigated by the Attorney General's office, arguing that in order for such proceedings to be commenced, the investigation carried out by the Ombudsman will not suffice, as the law requires the investigation preceding the criminal procedure to have been carried out upon the instructions of the Attorney General. This move has raised concerns that, instead of strengthening the institution of the Ombudsman by granting to it powers to conduct investigations which can lead to criminal prosecutions, the institution is being undermined, by transferring part of its mandate to this new Authority. At the same time, the participation of members of the police force in the investigating team raises concerns about the Authority's independence and impartiality.

#### b) Changes in the availability of legal assistance to victims (by public bodies or NGOs).

A small number of NGOs from the voluntary sector, ranging between one and three at a given time, offer advice to asylum seekers primarily about the asylum procedures. For a short period of time, one of these NGOs was regularly visiting the Reception Centre at Kofinou, where asylum seekers were residing, offering free legal advice on asylum procedures. One of these NGOs offers legal advice to all migrant workers mostly on labour related issues, acting more as mediators rather than as litigators. None of these or of any other NGOs have the right or the capacity to offer legal representation in Court. This is offered by private law firms at a price, often disproportionately large to the victims' income.

There are no public bodies in Cyprus offering legal assistance to victims of racial/ethnic discrimination, except perhaps the Ombudsman's office, where the staff may occasionally and unofficially advise victims about their next step.

The Second ECRI report on Cyprus, having noted that in 2000 free legal aid was only available for criminal cases, expresses the hope that the new bill under preparation at the time will be extended to cover complaints of racial discrimination. The legal aid bill was approved by Parliament and entered into force on 09.08.2002.<sup>88</sup> Its scope extends to civil proceedings for damages in respect of human rights violations by the Republic, as these are safeguarded by the Constitution, the ECHR, the United Nations Convention for the Elimination of All Forms of Racial Discrimination and a number of other international conventions. The Third ECRI

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<sup>86</sup> In October 2004, the Ombudsman Eliana Nicolaou presented a report to a Committee of the House of Parliament, where she criticized the police as having the lowest rate of compliance with her decision (reported in Hadjivasilis, M. (2004) "Ston kalatho ta 40% ton ektheseon tis Epiteprou" in *Phileltheros* (28.10.2004).

<sup>87</sup> In their letter to the Cyprus NFP of 12.10.2005.

<sup>88</sup> Cyprus/Law No. 165(I)/2002.

report on Cyprus states that according to NGOs, in practice this provision has not been used to bring legal action for discrimination and has not benefited asylum seekers, noting also that the scope of the law does not cover administrative procedures before the Supreme Court. According to the report, this restriction places migrants and asylum seekers in a very disadvantageous position as they are very often adversely affected by serious decisions of the administration which are discriminatory.

### c) Changes in the success rates of litigation due to the new aspects introduced by the Race Equality Directive (e.g. shift in burden of proof, concept of indirect discrimination).

The requirements of the Race Directive with regard to the shift in the burden of proof, the right for organisations to represent their members in proceedings and the concept of indirect discrimination have all been transposed into Cypriot law. However, the law provides for the shift in the burden of proof only in Court proceedings and not in proceedings before the Ombudsman.<sup>89</sup>

In spite of the aforesaid transpositions, no case has been filed to the Courts in Cyprus so far using the procedures available under the new anti-discrimination legislation transposing the Race Directive. This may be explained partly by the legal costs involved and the length of time which a case might take before judgement is delivered. Lack of awareness for the new procedures may also account for this lack of litigation. In its third country report on Cyprus, ECRI notes that awareness amongst members of the legal profession as well as members of the public with regard to the new anti-discrimination legislation transposing Directives 2000/43/EC and 2000/78/EC is very limited.<sup>90</sup>

However, several complaints have been filed at the Ombudsman's office where the procedure is informal and victim-friendly and neither legal advice nor legal representation are necessary.

### d) Changes in the legal understanding of and approach to racial harassment

In 1992 a law was introduced amending the Law ratifying the Convention on the Elimination of all Forms of Racial Discrimination of 1967, rendering harassment a criminal offence.<sup>91</sup> In 2000, the Second ECRI Report on Cyprus noted that legal provisions prohibiting racial discrimination were not being implemented in practice and recommended that further efforts be undertaken to raise awareness of the legal community and the public of the existence of these provisions, stressing that specialised training should be offered to the police. In its third report released in 2006, ECRI notes that, although comprehensive data is not available in this area to enable them to properly assess the situation, there seems to be little progress in the field with only two cases of application of these provisions. Also, ECRI's recommendation in its 2000 report to introduce provisions rendering the racist motivation of common offences as an aggravating factor have not as yet been implemented, but a bill is being prepared to this effect.<sup>92</sup>

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<sup>89</sup> Cyprus/ The Equal Treatment (Racial or Ethnic Origin) Law No. 59(I) /2004 (31.3.2004) Section 7(2).

<sup>90</sup> Third ECRI Report on Cyprus, adopted on 16.12.2005, Strasbourg 16.05.2006, Council of Europe.

<sup>91</sup> Cyprus/ Law ratifying the Convention on the Elimination of all Forms of Racial Discrimination No. 13/1967, modified by Law No. 11(III)/92 and by Law No. 28(III)99.

<sup>92</sup> Third ECRI Report on Cyprus, adopted on 16.12.2005, Strasbourg 16.05.2006, Council of Europe, p.9.

In Laws 58(I) and 59(I), which came into force in May 2004 purporting to transpose the Framework Directive and the Race Directive respectively, harassment is defined as “unwanted conduct related to any of the [recognised] ... grounds ... with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment”.

No case been adjudicated in Court so far using the harassment provision in the 2004 law.

Within a context that may be interpreted as amounting to harassment, the statements made by the Mayor of Nicosia in 2005 regarding the housing situation of migrants in the old part of the city have been the subject of complaints examined by the national Equality Body and by the Commission on Journalistic Ethics. In particular, on 26.09.2005 the Mayor made a press statement blaming the migrants residing in the old part of town for pollution and for the untidy picture of the area, alleging that the presence of the migrants downgrades that part of the city and that (Cypriot) families are afraid to go there at nights.<sup>93</sup>

In its report, the Equality Body referred to Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination 1966, which imposes a duty on states to take measures to prevent public authorities and public bodies from promoting and encouraging acts amounting to racial discrimination. Reference was also made to the domestic law ratifying the aforesaid convention which provides that public statements expressing ideas which are insulting to a group of persons due to their racial or ethnic origin are criminal offences and carry a prison sentence of one year or a fine. The report concludes that the Mayor’s statements ought to have been avoided, as likely to produce xenophobic perceptions with unpredictable results. The Equality Body’s report, however, fell short of framing this conduct as harassment and of recommending measures to be taken against the Mayor.<sup>94</sup>

By contrast, in the case of Jean Mistrellides,<sup>95</sup> a Cypriot of African origin who was regularly abused verbally by a group of youth riding their bikes around his house at nights over a prolonged period of time shouting racist remarks, the police not only failed to prosecute the youth for harassment but even prosecuted the victim himself.<sup>96</sup> The victim had repeatedly reported the continuous racial harassment by this group to the police who failed to prosecute the youth or provide protection to the accused and his family. In the course of the trial, the priest of the community testified that the group of youth had indeed been harassing, insulting and threatening the victim on a daily basis.<sup>97</sup> The victims got a conviction and a fine from the Court, whilst the youth continue to this day to ride their bikes around his house shouting racist remarks and threatening him and his family.<sup>98</sup> In response to a letter from the Cyprus NFP, the Ministry of Justice justified its failure to prosecute the perpetrators by claiming that the police invited Mr.

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<sup>93</sup> Hadjivasilis, M. (2005) “Ekkathariseis allodapon stin palia Lefkosia” in *Phileltheros* (26.09.2005).

<sup>94</sup> Report of the Cyprus Anti-discrimination Body Ref. A.K.R. 81/2005, dated 01.12.2005.

<sup>95</sup> Police v. Jean Mistrellides Case No. 232/2004, decision issued on 20.1.2006, unreported as at the time of writing this report.

<sup>96</sup> for assault; for getting out of his house with a sword; for threatening a group of youth); resisting arrest, for causing actual bodily harm to one of the group of youth who fell from the motorbike; for causing terror.

<sup>97</sup> This case was reported in a media article by Yiannakou, C. “Arpakse spathi kai kynigise nearous pou ton ivrisan” (He grabbed a sword and chased the young men who insulted him) in *Phileltheros*, 21.01.2006. No further details were provided in the article.

<sup>98</sup> Interview with the lawyer of Mr. Mistrellides, Mr Marios Constantinou of the Law office of Efstathios K. Efstathiou., in Nicosia, Cyprus.

Mistrellides to submit a written complaint but he declined;<sup>99</sup> the letter offered no explanation as to why the police ignored the victim's repeated complaints for harassment before prosecuting him.

Since the partial lifting of the restrictions in movement in April 2003, when Turkish-Cypriots started visiting the south, a number of incidents of harassment took place, although few have been published or recorded. The Third ECRI Report on Cyprus released in 2006 states that there have been instances of harassment of Turkish-Cypriots by the police and particularly by the borderguards at the check-points. In Spring 2004, in the period before and after the referendum on the UN peace plan, many articles appeared in the media reporting that Turkish-Cypriots had been subjected to strip-searches and other humiliating treatment by the police at the checkpoints. In its third report on Cyprus, ECRI recommends that Cypriot authorities address the problems of racism and racial discrimination facing Turkish-Cypriots particularly by law enforcement officials.<sup>100</sup>

In the first months of 2006 (February to April) a number of incidents were reported in the media where unknown persons maliciously damaged the cars of Turkish-Cypriots attending peace-promoting events in the south.<sup>101</sup> In a statement to the media, the organizers of one of these events and chairman of the Association of Writers stated that the police was called on the scene, who informed them that there have been several similar incidents recently of damaging cars with Turkish-Cypriot number plates parked in the south.<sup>102</sup> However, in response to an enquiry from the Cyprus NFP on the matter, the officer in charge of the Police office for combating discrimination stated that he had no information whatsoever about such incidents.<sup>103</sup>

e) Annual number of legal procedures regarding racial or ethnic discrimination (complaints, dismissals, negative and positive decisions, etc).

Since the enactment of the new anti-discrimination legislation transposing the Race Directive on 01.05.2004, there have been no cases brought to Court. However, several complaints have been lodged and investigated by the Ombudsman's office, which is the designated national Equality Body appointed under Article 13 of the Race Directive. Prior to 01.05.2004 the Ombudsman's office was processing only complaints for maladministration in the public sector. In this capacity, the Ombudsman's office has examined complaints filed by migrants and directed against the Immigration Authorities as well as the Cyprus Labour office, which is the authority competent to examine, on first instance, complaints of migrant workers against their employers. The number of complaints against the Immigration Authorities from 1996 until 2004 is as follows:

Year	1996	1997	1998	1999	2000	2001	2002	2003	2004
Number of complaints	21	41	31	84	102	156	154	133	301

Source: Cyprus Ombudsman Annual Reports, 2003, 2004.

In 2004, out of the total of 301 complaints mentioned above, the largest number of complaints submitted to the Ombudsman for maladministration in the public sector were from asylum

<sup>99</sup> Letter from the Mrs Kate Andreou of the Ministry of Justice to the Cyprus NFP dated 18.05.2006.

<sup>100</sup> Third ECRI Report on Cyprus, adopted on 16.12.2005, Strasbourg 16.05.2006, Council of Europe, pp.24-25.

<sup>101</sup> See for instance unsigned article "Nyktovotes enantion t/c poiisis" in *Politis*, 14.02.2006.

<sup>102</sup> Interview of Christos Hadjipapas to journalists G. Pavlides and K. Eliadi, Astra radio, 14.02.2006.

<sup>103</sup> Letter from the Police Headquarters to the Ministry of Justice, 04.05.2006.

seekers (136 complaints). Most of them were directed against the Paphos Gate Police Station, where most asylum applications are submitted, and the Police Immigration office, for placing obstacles in the asylum procedure, for arrests, detentions and mistreatment of applicants. Thirty eight complaints were directed against the Migration office for deportations, challenging the substance of the decision as well as the procedure followed. Thirty two complaints concerned residence permits and thirty two complaints were submitted by migrant workers concerning mostly the administrative review of their labour relations and the examination of their applications for permit to change employer. (source: Ombudsman's Annual Report 2004, p. 82).

There are no publicly available records as to how many decisions were positive or negative.

In the post 01.05.2004, a special department was created within the Ombudsman's office, the Cyprus Anti-Discrimination Body, whose task is the investigation of complaints for racial/ethnic discrimination, on the basis of the law transposing the Race Directive.<sup>104</sup> During 2004, covering a period of seven months, this department received sixty-one complaints and completed the investigation of thirty-two out of these and conducted two investigations on its own initiative. In particular, out of the thirty-two complaints dealt with, two were deemed to fall outside its mandate, two were interrupted when the complainant's claim was satisfied, one was deemed unfounded and ten were interrupted for other reasons. In two cases, there was compliance by the accused to the satisfaction of the complainant following the Body's intervention and in fifteen cases reports were issued with recommendations.

In 2005, which was the first year in which the Cyprus Anti-Discrimination Body operated for a whole year, the number of complaints received rose to 125. Out of this number, eighty complaints were dealt with and one investigation was conducted out of its own initiative. In particular: eleven cases were deemed to fall outside the body's jurisdiction, in three cases the investigation was discontinued because the complainant's claim was satisfied, Sixteen complaints were deemed unfounded and the investigation of eighteen complaints was discontinued for other reasons. In one case, there was compliance by the accused following the Body's intervention and in thirty-one case reports with recommendations were issued.

No figures are available for 2006 yet.

No binding decision has yet been issued by the Equality Body. The cases in which reports with recommendations were issued are not classified into positive and negative decisions and it is therefore impossible to know the number of cases where the complaints were found to be justified. In some cases, recommendations for policy changes or special initiatives are made, whilst the report itself does not decisively find in favour of the complainant. In one complaint concerning racist violence, the Equality Body did not find in favour of the complainant for lack of evidence, but nevertheless recommended that the incident be recorded in the special mechanism set up by the police in 2005 for the monitoring of racist incidents. To arrive at a conclusion about the number of positive or negative decisions, one would need to have access to all the reports and use a certain degree of personal judgement in order to interpret findings which contain ambiguities.

All the above figures represent complaints received in writing. The frequent telephone calls received at the Ombudsman's office daily, reporting complaints and seeking assistance, some of which are dealt with over the phone, are not recorded.

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<sup>104</sup> Cyprus/ The Equal Treatment (Racial or Ethnic Origin) Law No. 59(I) /2004 (31.3.2004)

#### 4. 2. Are these developments driven by EU, national or local policy? Please highlight the role played by EU policy in shaping developments in the period covered?

The transposition of the Race Directive in 2004 has been instrumental in shaping the landscape as regards the anti-discrimination legal regime and the establishment of a complaints procedure. The new anti-discrimination legislative framework vests the Ombudsman with extensive powers going beyond the Directive's minimum requirements, to promote rights guaranteed under the Cyprus Constitution (which to a large extent incorporates the European Convention on Human Rights) and several conventions ratified by the Cypriot government, including Protocol 12 to the same Convention. The context in which the decision to grant such extensive powers to the Ombudsman was made was that in the run-up to the accession to the EU, the Cypriot government was eager to demonstrate goodwill in the protection of human rights, particularly due to the fact that a number of European and international reports, such as the Second ECRI report were critical of the fact that complaints by vulnerable groups were not treated with sufficient attention. The fact that unresolved Cyprus problem was lurking behind the picture upon Cyprus' EU accession may have contributed to the eagerness of the government to demonstrate a willingness to respect human rights. At the same time, the decision to vest the Ombudsman with additional powers was not coupled with a decision to allocate sufficient funds to the Ombudsman to enable her to cope with her new tasks; in the words of the Ombudsman herself this is severely restricting the effectiveness of the institution.

Litigation continues to be the privilege of those victims who can afford the time and the cost it involves and amongst the vulnerable groups, the numbers are limited. The new mandate of the Ombudsman to investigate complaints for racial discrimination has been extensively and successfully used. However, the limited dissemination of the new procedures to the affected groups and the underreporting observed particularly with regard to discrimination against members of the Turkish-Cypriot and Roma communities are restricting the impact of the new legislation enacted in order to transpose the EU *acquis*. Government policies towards migrants are shaped to meet the aim of limiting the numbers and the years of stay of migrant workers and of discouraging applications for asylum. At the same time, the ever-present Cyprus problem is the main force behind policies towards Turkish-Cypriots and Roma who are deemed to be part of the same community. EU policies regarding integration are still inexistent in Cyprus.

The transposition of the *EU acquis* over various immigration issues, such as the status of long term migrants, the right to family reunion and the right of migrants to vote in local elections, is expected to bring major changes in the social and legal landscape and to contribute significantly to the design of an immigration policy which is lacking at the moment.

Finally, it should be noted that the ECtHR decision in the case of Ibrahim Aziz v. the Republic of Cyprus<sup>105</sup> which confirmed the Republic's obligation to safeguard the right of Turkish-Cypriots to vote, has been the cause for a change in the law: starting from the Parliamentary Elections of 21.05.2006, Turkish-Cypriots continuously residing in the south for at least six months were allowed to vote and be elected. Also, for the first time since 1963, the elections of 21.05.2006 had a Turkish Cypriot candidate.

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<sup>105</sup> <http://www.echr.coe.int/Eng/Press/2004/June/ChamberJudgmentAzizvCyprus220604.htm>

## 5. Education

### 5. 1. Describe major trends regarding the development or not of official and non-official data collection mechanisms on incidents of racism and/or discrimination.

Over the period examined there have not been any improvements of official data collection mechanisms as such, even though there are officers in the Ministry of Education given an overall responsibility for developing multicultural aspects of education. The Ministry of education does not provide any figures of incidents and/or how it deals with the subject of discrimination and racism.

NGOs on the other hand have emerged trying to monitor the situation, such as Human Rights in Education, and some initiatives have been taken by individual schools such as the English school to develop an anti-racist road map for 2006-2007, which includes anti-discrimination training for teachers and pupils and setting up a system for dealing and monitoring incidents of discrimination and racism.<sup>106</sup> However, NGOs are under-resourced and do not have an effective system for recording incidents.

### 5. 2. Major trends regarding policies or practices discriminating against vulnerable groups.

Overall, there have been some improvements in dealing with immigrants and minorities and Roma over the period under examination, in that there is more awareness of the issues and some elements of recognition of their cultures. However, the goals remain general and do not have the force of concrete policies and targets, as proposed by the most important study on Cyprus education in the 'Proposal for educational Reform'. In practice reform is slow and contradictory and little has been implemented in terms of the content of education, as regards the combating of discrimination against vulnerable groups and genuine multicultural education aimed at.

The Second ECRI Report on Cyprus recommended that there are initiatives at educating children in human rights with a particular emphasis on non-discrimination and the need to respect difference', recommending that these subjects are introduced in the curricula of all schools. The Third ECRI Report on Cyprus notes however, that in spite of increased attention to these issues, it is reported that these aims contain only general guidelines and that they are only marginally translated into concrete long-term initiatives'. Moreover, the same report notes that in spite of some training opportunities at the Pedagogical Institute, "the effectiveness of human rights initiatives is undermined by the lack of understanding of and a genuine sensitivity to human rights by many teachers" (para. 37).

As already noted in the Second ECRI Report on Cyprus, the authorities do not collect data broken down by categories of ethnic origin, religion, and nationality in different areas of policy, including education, something that "would be beneficial in order to monitor the situation of different minority groups and highlight possible problems of direct and indirect discrimination" (Third ECRI Report on Cyprus, para. 96). The Ministry of Education does not comply with the EUMC recommendations on data collection.

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<sup>106</sup> Interview with Antonis Antoniou, Head of Training, English School, Nicosia, 10.05.06.

### *a) Access to education, educational attainment and drop out rates*

Although the Ministry of Education has produced lists for the school year 2004-2005 showing the number per school of Greek-Cypriot pupils, Turkish-speaking pupils and pupils of non-Cypriot origin, the Ministry has failed to provide with any study or effective monitoring of access to education, educational attainment and drop out rates of students to assess trends. A number of reports by the Ombudsman, research studies and international reports indicate various dimensions of the problem, although we have no study that examines directly this issue for all vulnerable groups.

In a case the Ombudsman referred to a study conducted by the Limassol Regional Welfare Office concerning the social exclusion of Turkish Cypriots (of whom seventy five per cent are Roma) in Limassol and has found that there is clearly a pattern of low educational attainment of this specific group and a lack of interest by the parents over the educational opportunities of their children.<sup>107</sup> The study notes that the severe economic problems faced by these families, the squalid living conditions, low parental educational level and the wide spread prejudice against this group, generates a negative attitude of the Turkish Cypriots and Roma toward the educational system. The eventual outcome is the quick school exit seeking to enter the labour market, either as beggars or working in difficult manual occupations. Furthermore, even if a child goes to Greek or English school the linguistic barriers drive these pupils out of school. In the course of a particular research project, Turkish Cypriot and Roma parents have raised doubts as to whether or not they should send their children to school at all as they do not understand a word of what is being said in the classroom.<sup>108</sup>

In another case investigated by the Ombudsman, the parents' association of the elementary school of Polis Chrysochoos in Paphos closed down the school between the 22.09.2005 until the 26.09.2005 demanding from the Cyprus Ministry of Education to suspend attendance to the school of Roma pupils until they receive confirmation that none of them suffers from Hepatitis, following some Hepatitis incidents in a nearby village three months earlier.

With regard to the Pontian pupils, although there are no actual figures on educational performance or drop-out rates, nonetheless there are certain indicators that suggest that the Pontians are a vulnerable group as regards education. This cannot be generalised of course, as some teachers insisted that they considered Pontians as excellent pupils; however most teachers explained that it is the social background and parental interest in the educational progress that determined education attainment.<sup>109</sup>

There are also barriers to access that are bureaucratic in nature. For example in 2003, a Turkish Cypriot woman was denied the right to enrol her child in school because the child did not have a birth certificate from the Republic. Following the Commissioner's relevant report, her child was

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<sup>107</sup> Interview with the Commissioner of Administration's Office Human Rights Officer, Mr Aristos Tsiartas 16.6.04.

<sup>108</sup> See "Discriminated Voices - Cyprus Report", Work Package 2, The European Dilemma: Institutional Patterns and the Politics of 'Racial' Discrimination, Research Project Xenophob, EU Fifth Framework Program 2002-2005, available at [http://www.multietn.uu.se/the\\_european\\_dilemma/](http://www.multietn.uu.se/the_european_dilemma/).

<sup>109</sup> See for example Trimikliniotis, N. (2001) "The Educational Problems of the Pontians in Cyprus: Preliminary Research and Report on Primary Education", Report on behalf of the Cyprus Association of Sociologists submitted to the Ministry of Education 2001. Also for social exclusion in Cypriot education see Papadopoulos, M (1997) *Litourgikos Analfavitismos: Scholikos Apoklismos kai Scholikos Ponos*, Athens: Livani.

finally enrolled.<sup>110</sup> Another barrier to access relates to certain category of ‘foreign’ pupils (i.e. children of migrants who are undocumented). For example the circular issued by the Ministry of Education to all schools requiring them to inform the immigration authorities of the contact details of the parents of foreign children enrolling to school, which had been ruled unlawful by the Equality Body but then re-introduced nevertheless by the Council of Ministers, is the subject of discussions in the Human Rights Committee of the House of Parliament. The Parliamentary Committee decidedly concluded that the circular may prevent foreign children from enrolling to schools and should thus be withdrawn.<sup>111</sup> The Ministry of Education has failed so far to withdraw the circular.

*b) Segregation (e.g. special schools, separate classes, etc.);*

Again there is no study on segregation as such. However, some studies do point to element of segregation, in spite of contrary policy by the Ministry. The Third ECRI Report on Cyprus refers to ‘reports of de facto school segregation of Pontian Greek children’ (para. 85), whilst some studies on racism and education record stereotypes and discrimination against migrant children,<sup>112</sup> Turkish-Cypriots and Roma amongst the pupil population.

In July 2004, following a complaint filed by the Cyprus NFP, the Commissioner investigated the issue as to whether the institution of educational districts<sup>113</sup> has been adhered to or not in the case of the school of “Panagia Theoskepasti” in Paphos. According to the statistics of the Cyprus Ministry of Education and Culture for the school year 2003-2004, 5.5 per cent of all primary education pupils were non Greek-speakers, 2.6 per cent of all secondary education pupils were non Greek-speakers and 2.5 per cent of all technical education pupils were non Greek-speakers. However, at the secondary school of “Panagia Theoskepasti” in Paphos, from a total of 327 pupils, 146 were Greek-Cypriots and 156 Pontians. It emerged that the Ministry of Education was faced a number of requests from parents of Greek-Cypriot pupils for their children to be transferred to schools other than the ones attended by the Pontian pupils. The Commissioner of Administration recommended that the principle of balanced distribution of pupils should be

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<sup>110</sup> Cyprus Commissioner of Administration, Complaint No. 760/2003.

<sup>111</sup> Kyriakidou, C. (2005) “Sto stohastro egyklios gia allodapous mathites” in *Phileltheros*, 01.12.2005.

<sup>112</sup> Trimikliniotis, N. (2001) “The Educational Problems of the Pontians in Cyprus: Preliminary Research and Report on Primary Education”, Report on behalf of the Cyprus Association of Sociologists submitted to the Ministry of Education 2001; Trimikliniotis, N. (2004) “Mapping Discriminatory Landscapes: Ethnic Discrimination in a divided Education System”, in: *The Cyprus Review*, Vol. 16, N. 1, Spring 2004, Research and Development Centre – Intercollege, Cyprus and University of Indianapolis, USA; Trimikliniotis, N. (2004) “Institutional Discrimination” Workpackage 4, *The European Dilemma: Institutional Patterns and the Politics of ‘Racial’ Discrimination*, Research Project Xenophob, EU Fifth Framework Program 2002-2005, [http://www.multietn.uu.se/the\\_european\\_dilemma/](http://www.multietn.uu.se/the_european_dilemma/); Trimikliniotis, N. (2003) “Discriminated Voices - Cyprus Report”, Work Package 2, *The European Dilemma: Institutional Patterns and the Politics of ‘Racial’ Discrimination*, Research Project Xenophob, EU Fifth Framework Program 2002-2005, [http://www.multietn.uu.se/the\\_european\\_dilemma/](http://www.multietn.uu.se/the_european_dilemma/); Spyrou, S. (2004) *Educational Needs of Turkish-speaking Children in Limassol*, UNOPS, February-March 2004, Nicosia; Harakis C. (ed.) (2005) *Antikoinoniki Symperifora ton Neon tis Kyprou- Ratsistikes taseis*, Athens: Sakoula.

<sup>113</sup> In April 2003 the Cyprus Council of Ministers approved the school districts on the basis of a balanced distribution of pupils and the avoidance of concentration of pupils of Pontian origin in one school, with the aim of social integration of non Greek-speaking pupils into the wider educational system.

adhered to, in order to avoid ghettoization of the non Greek-speaking pupils and promote the principle of equal treatment.<sup>114</sup>

### *c) Mother tongue instruction*

The provision of public education in the Republic of Cyprus today is provided in Greek and migrant children are offered support classes. There are also private English schools. As for the Turkish-Cypriots residing the area under the control of the Republic, who are entitled to be taught in their mother tongue, the authorities proved vouchers to be taught in the private English schools, or for those who attend Greek School and there is concentration of Turkish-Cypriot students, Turkish lessons are offered but only for certain hours.

The idea of setting up a Turkish school was initiated by UNFICYP in 1995 and was supported by the Turkish-Cypriot leadership. During 2004, UNFICYP carried out a survey amongst the Turkish-speaking families in Limassol (Roma and Turkish Cypriot) which established the desire of these families to have their children attend a Turkish speaking school and be taught the Turkish language, literature and culture. Following this, the Cyprus Government carried out its own survey amongst the same families, which established that the vast majority of these families prefer their children to remain in their existing (Greek-Cypriot) school.<sup>115</sup> On 19.08.2005 the Cyprus Ministry of Education submitted to the Council of Ministers a proposal for the setting up of a Turkish school in Limassol,<sup>116</sup> Cyprus' second largest city which hosts a fairly large Turkish-speaking community, made of Turkish-Cypriots, Turks, Roma and Kurds. However the Cyprus government decided not to open for the time being alleging that none of the families of the Turkish-speaking pupils of Limassol, whose children had been attending the 18<sup>th</sup> Elementary School of Limassol, wished to have their children moved to a Turkish school. The 18th Elementary school has, since the school year 2004-2005, hired two Turkish Cypriot teachers who teach the Turkish speaking pupils "their culture, their civilisation, their religion and their literature in their mother tongue".<sup>117</sup>

No special provision is made for the Roma pupils attending the said school, who are treated by the authorities as "Turkish-speaking" and who are assumed to have Turkish as their mother tongue; although they all speak Turkish, they also speak Kurbetcha, a Romany dialect.<sup>118</sup> Meanwhile, the union of Turkish-Cypriot elementary school teachers K.T.O.S. together with two

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<sup>114</sup> Cyprus Commissioner of Administration, Complaint No. 28/2004.

<sup>115</sup> No effort was made to establish the reason for the discrepancy between the two surveys, with both UNFICYP and the Cyprus Government making an extra effort not to appear uncooperative and suspicious of the other. Although there may be methodological reasons behind the discrepancy, one must not exclude the possibility that the different answers may have been prompted by the way in which the questions were phrased. Both surveys are referred to in the proposal of the Ministry of Education towards the Council of Ministers 951/2005.

<sup>116</sup> According to the Cyprus Constitution, the Turkish Cypriot community has jurisdiction through the Communal chamber over the educational issues of its community; this provision however ceased to be applied following the constitutional crisis of 1963.

<sup>117</sup> Declaration of the Diplomatic office of the President of the Republic dated 27.09.2005, received under cover of a letter from the Ministry of Education to the Cyprus NFP dated 15.11.2005.

<sup>118</sup> A letter from the Ministry of Education to the Cyprus NFP dated 15.11.2005 states: "The term Roma is generally acceptable as reference to the special group but may not be the most appropriate one for the gipsies of Cyprus, as far as their language, cultural identity and special tradition are concerned...With regard to the language, Turkish classes are offered to them, which is their mother tongue, as well as support Greek classes, in order to improve their standard." This is in line with the Cyprus Constitution which does not recognise any 'minorities', but only 'religious groups' which must necessarily belong to one of the two 'communities'.

Turkish Cypriot families residing in Limassol, is suing the Cyprus government for violation of the Turkish Cypriot children's right to education.

### 5. 3. Major changes and trends regarding policies on particular issues related to discrimination or exclusion in education (e.g. religious symbols, headscarves)

Official policy of the Ministry of Education is to prohibit any action that violates the personal freedoms and convictions of the pupils (or parental religion of pupils) aiming at changing their religious beliefs. The Ministry makes arrangements in accepting the pupils' parents' request not to attend the Religious Studies lesson, which may contain elements of various religions, but is heavily weighed in favour of the Greek Orthodox religion (which is compulsory for all Greek Cypriots in primary and secondary education) and in any case other religions are presented from the vantage point of the Greek Orthodox faith with non-Christians presented more or less as 'pagans' and the other Christian dogmas as 'heresies', in spite of the efforts to present a more multi-faith approach to religious education<sup>119</sup>.

Nevertheless, the so-called 'Helleno-Christian ideals' seem to be deeply embedded in the educational system and school curricula of courses such as History, Modern Greek, Religious Studies, as well as extra curricular activities such as celebrations and practices, the daily Morning Prayer, obligatory attendance to church mass a few times a year and the existence of Christian icons in classrooms. There is no prohibition against wearing crosses, but the school authorities have not yet been confronted with the headscarf issue, since most of the Muslim children attending schools come from agnostic or secular societies or families. Some schools also have their own Christian orthodox church built and operating in the schoolyard. The CER (Commission for Educational Reform) in its chapter on historical review of the educational system in Cyprus points out that primary school education was ultimately aimed at initiating young people "to the ethno-religious and Hellenic orthodox Christian culture of the Greek Cypriot Republic"<sup>120</sup>, something which is considered to be a deviation from the ecumenical humanistic education and which contradicts the efforts to introduce a multi-cultural setting and curriculum, that would cater for the 3158 non-Greek-Cypriot pupils out of the total 58.524. Recently, the Chair of the Commission of Educational Reform publicly criticised the presence of churches and church symbols in the schools as being anachronistic and contrary to the multicultural spirit of a modern European education system.

Non-Christian pupils may be exempted from Morning Prayer or church mass.

The Cyprus Equality Body on 2.11.2005 issued a decision on a complaint submitted to it on 12.4.2005 for religious discrimination against a female pupil who is a Jehovah's Witness by, inter alia, a teacher of religious instruction (a Christian Orthodox priest).<sup>121</sup> Although the report found

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<sup>119</sup> Illustrative of this is a paper presented by the Theology teacher- Inspector for the Ministry of Education and Culture, where he argued that there is a 'modern' and 'enlightened' approach in the teaching of Religious Studies in Primary and Secondary Schools in Cyprus. Nevertheless, in his presentation, he referred to other Christian dogmas as 'heresies' (see Tapakis, A. «I Thriskeftiki Agogi sti Simerini Polypolitismiki Kinonia», in: *Paedia kai Evropi*, a seminar organised by NGO 'Anagennisi' in Paphos (31.4.2004))

<sup>120</sup> Cyprus Report of the Commission on educational Reform: "Democratiki kai Antropini Paedia stin Evrokypriaki Politeia", p.50 available in summary form at <http://www.moec.gov.cy/metarithmisi/manifesto.pdf>

<sup>121</sup> Report of the Cyprus Anti-discrimination body no. 31/2005, dated 2 November 2005

that the complainant's allegations were to a large extent true, it fell short from finding the teacher/priest guilty of discrimination. The report did contain severe criticism against the content of the school textbook on religious instruction and particularly against the use of the term 'heresies' as descriptive of other religions/dogmas.<sup>122</sup>

Although a pupil is entitled to be exempted from the religious instruction class, the Ministry of Education does not plan to make this subject optional. Also, based on an opinion of the Attorney General, the Ministry states that it has no obligation and therefore will not provide religion classes for "other" religious convictions.<sup>123</sup>

### *Religious symbols in schools*

No provisions are made to address the issue of religious symbols at schools, with the Christian Orthodox religion to be dominantly featured in classrooms through saints' icons and even churches inside the school courtyards. In fact even the only state university in Cyprus has its own church inside the University campus. It is doubtful whether any pupil or student attempted to wear in school any religious symbols other than Greek Orthodox ones, so the issue has not yet been raised in public discourses.

The new regulations for operation of secondary education schools, recently approved by the House of Parliament as an amendment to the old law on the operation of the Greek-Cypriot communal schools, provide that students will no longer be obliged to attend religious ceremonies during school periods if this is so requested by the parents of the student or by the student himself / herself provided he / she was at least sixteen years of age upon commencement of the school year.<sup>124</sup> Another new measure introduced during 2005 was that pupils are no longer obliged to attend the (Greek-orthodox) religious instruction lesson offered at school; instead, during that teaching period, they can attend another class and return to their classroom once the religious instruction lesson is over.

5. 4. Describe the "good practice" initiatives and /or measures that had most impact in relation to the categories below or a combination of them:

#### *a) Awareness raising*

Some seminars to teachers have been organised for teachers by the Pedagogical institute. Some Schools in Paphos organised with parental associations discussions and seminars on multicultural education. Also the English school has devised a program to develop a road map to combat discrimination, which includes training of teachers and pupils, the setting up of an advisory body to develop a general policy and a code of conduct to deal; with discrimination and to develop a multicultural framework.

#### *b) Pupil support (e.g. teacher/assistants, preparatory classes, intercultural facilitators, etc.)*

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<sup>122</sup> More details about the case may be found in Appendix I hereto.

<sup>123</sup> Letter from the Cyprus Ministry of Education to the Cyprus NFP dated 15.11.2005.

<sup>124</sup> This development was criticized by the Pancyprian Association of Greek Theologicians who argue that this measure will undermine the foundations of the Greek orthodox tradition which has for so many years provided the students with spiritual support: Psaria,G. (2005) "Epivalletai I prostasia tou thesmou tou ekkliiasmou" in *Politis* (21.09.2005).

The Ministry of Education launched a program for “Inter-cultural Education and Training”. The aim of this program is the integration of Pontian children in the Cyprus educational system by applying accelerated (and essentially differentiated from those of the Greek-Cypriots) Greek language programs and the promotion of a uniform and balanced allocation of these children in several primary education schools. As already indicated above, the success of these initiatives can be questioned.

### *c) Teacher support*

The Report of the Commission for Educational Reform<sup>125</sup> constitutes the most comprehensive educational reform proposal ever submitted, at Chapter 18, makes detailed recommendations on the process, context and content as well as the theoretical framework for an inter-cultural education system to be introduced in Cyprus. Amongst the proposals, the Commission suggests that there should be an expansion of the teaching of foreign languages even going as far as the exclusion of any monopoly or preference to some of them, the teaching of the mother tongue of the children of migrants, programs of teacher training in teaching Greek as a second or foreign language, the promotion of the idea that being European has multiple narrations, particularly in the teachings and lessons such as history in the context of education for peace and a pedagogy for rapprochement. This requires the re-writing of history books, co-operation with other schools in Europe, a program for co-operation in schools of the Turkish-Cypriot community, common training programs for Greek-Cypriot and Turkish-Cypriot children and implementation of a program for anti-racist education.

A number of NGO seminars on multi-cultural education and anti-discrimination have taken place

### *d) Parental support*

Some initiatives have taken place. On the initiative of the parents’ associations and the teachers’ unions, a number of seminars took place in Paphos, in areas where there is a large concentration of foreign pupils, on the challenges of a multi-cultural society.

In Nicosia and Limassol, Greek language classes were offered to migrant or Turkish-speaking parents of school children by NGOs, to enable them to assist their children with homework and generally to enhance their social integration.

However, all these initiatives are sporadic and ad hoc and do not form part of a concerted effort to provide concrete parental support.

### *e) Financial aid for pupils*

The State undertakes the cost of education for Turkish Cypriot students in private schools at the levels of primary, secondary and Higher education. The State also gives a fixed amount of subsidy for every Armenian, Maronite, and Latin pupil attending a private school of his/her choice. The Ministry of education and Culture provides special programs to facilitate migrant and Turkish Cypriot children to learn their mother tongue and be aware of their cultural identity. Since January 2003 the State Institutes for Further Education offer Turkish language lessons to Turkish Cypriot children and Greek language courses for repatriated Greek Cypriot children as well as children of migrants from Pontus. Additionally, the Career Guidance and Counselling

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<sup>125</sup> Report of the Commission for Educational Reform (2004): “Demokratiki kai Antropini Paedia stin Evrokypriaki Politeia”

Service, the Department of Educational Psychology, the Pedagogical Institute and finally the University of Cyprus conduct conferences and seminars centred on multicultural education.

In 2005 the Cypriot government decided, as of the next academic year, not pay the full tuition fees for new Turkish Cypriot students enrolled at the English School, breaking with practice ever since the checkpoints opened in April 2003. Tuition fees at the prestigious semi-private semi-public *English School* cost somewhere in the area of CY£3,000 (Euro 5.170 approximately) per year per student, whilst the state will now only offer a total of £20,000 (Euro 34.500 approximately) as assistance each year, a mere fraction of what it was offering previously. This means the fifteen new Turkish Cypriot students expected at the forthcoming academic year will have to cover most of their expenses whilst, sensibly, students currently enrolled will continue to have all tuition fees paid until they graduate.<sup>126</sup>

#### *f) Affirmative action*

No such measures can be recorded as such. However, for the Turkish-Cypriots who are living in the north some positive measures were introduced to encourage them to attend the English school.

#### *g) Anti-segregation measures*

The ministry of Education has apparently issued a circular to ensure that there is no segregation or over-concentration of migrant students in some schools and to ensure that within schools there is no segregation. However, nothing more can be noted.

#### *h) Measures to establish/improve data collection*

Other than the appointment of a person from the Ministry to coordinate multicultural issues, we are not aware of any measures to establish or improve data collection.

5. 5. These developments driven primarily by the EU policy as well as the fact at national level there has been a massive increase in the numbers of migrants since 1990, the increase in the Roma population living in the territory under the control of the Republic of Cyprus and the opening of the checkpoints in April 2003.

## **6. Racist Violence/Crime**

6. 1. Is there any indication from official or unofficial data sources that racist violence and crime has increased or decreased in the period covered? – support your response with evidence.

According to the police, there are no official or valid information showing a significant increase or decrease of racist crime between 2000-2005.<sup>127</sup> This position appears to be in line with the

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<sup>126</sup> Hazou, E. (2005) “Turkish Cypriot students to pay full fees at English School” in *the Cyprus Mail*, 26.06.2005.

<sup>127</sup> Letter from the Police Headquarters to the Ministry of Justice, 04.05.2006.

view taken by the Third ECRI Report on Cyprus that the lack of reliable mechanisms on recording racially motivated incidents does not lead us to any easy conclusions.<sup>128</sup>

However, there are three key events that have changed the landscape of Cyprus in the last five years, in a way that perhaps presumptions can be made about a rise in racist violence/crime in recent years: the influx of the Roma from the north in the early 2000s; the opening of the checkpoints between north and south in April 2003 which led to daily crossings of Turkish-Cypriots to the south; and the sharp rise in the number of asylum seekers in 2004. The presumptions are of course rebuttable; the apparent increase in reported incidents may be accounted for by increased awareness, improved complaint channels and the impact of Cyprus' EU accession.

With regard to violence against Roma, evidence is rather limited due to, inter alia, underreporting and lack of awareness of the channels to complain. The Third ECRI report mentions that “[h]ostility and rejection by the local non-Roma population [towards the Roma] is reported to be high and to have in some cases resulted in physical violence. In these cases, the racist dimension of the incidents has reportedly been played down or neglected.”<sup>129</sup> In July 2004, a Greek-Cypriot man killed a ten year old Roma boy in an unprovoked cold blooded incident which took place in a public area in Limassol. Even before the conclusion of the inquest, the Cyprus government and all political parties rushed to condemn the incident as an isolated crime committed by a psychopath with a criminal record who was also a drug addict, obviously fearing retaliations and further violence. In a press release after the incident, human rights NGO KISA<sup>130</sup> regrets the interpretation offered by the authorities as the result of the psychopathic or drug abuse by the murderer, arguing that psychopathologic conditions or drug abuse do not automatically turn a person into a murderer, nor do they justify the nationalist and racist motives. KISA connected the incident with the social realities and attitudes prevalent today, including the rise of nationalism in the Greek-Cypriot community.

With regard to the Turkish-Cypriots, in addition to the references made in the Third ECRI Report on harassment of Turkish Cypriots by the checkpoint police,<sup>131</sup> the Amnesty International Report for January-June 2004 states: “AI received reports that on 20, 22 and 24 April and on 18 May Greek-Cypriot policemen stripped and searched Turkish-Cypriots trying to cross the Ledra Palace checkpoint on the Green Line in Nicosia and that on two of these occasions, Turkish-Cypriots were beaten and in one case the belongings of the individual in question were confiscated, even though on none of those occasions were charges pressed. The organization has also learnt that when questioned about these practices, the policemen at the checkpoint said that the stop and search procedures were carried out on the basis of instructions received by officials higher up in the hierarchy. The organization expressed its concern that these incidents may have constituted a policy to intimidate and discriminate against Turkish-Cypriots.”<sup>132</sup> In addition to these reports, in

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<sup>128</sup> Third ECRI Report on Cyprus, adopted on 16.12.2005, Strasbourg 16.05.2006, Council of Europe, pp. 9-10.

<sup>129</sup> Third ECRI Report on Cyprus, adopted on 16.12.2005, Strasbourg 16.05.2006, Council of Europe, p.25.

<sup>130</sup> KISA Press release 16.07.2004.

<sup>131</sup> Third ECRI Report on Cyprus, adopted on 16.12.2005, Strasbourg 16.05.2006, Council of Europe, p. 24.

<sup>132</sup> Instances of police ill-treatment of Turkish-Cypriots were reported before the opening of the checkpoints, against those few Turkish-Cypriots who happened to find themselves in the south. On 21.12.2001, the ECtHR found the Cypriot Government guilty of police abuse during the 1995 arrest for drug smuggling of Turkish Cypriot Erkan Egmez and ordered the Government to pay Egmez \$16,000 (10,400 pounds sterling) in compensation (Cyprus: U.S. Country Reports on

2005 we have, for the first time in decades, at least three incidents of racial violence against Turkish-Cypriots,<sup>133</sup> all three of which led to criminal prosecutions but not to any conviction. In two out of the three cases<sup>134</sup>, the accused was the same person, who also declared himself to be a member of the Greek ultra-nationalist organisation Chrysi Avgi (“Golden Dawn”).<sup>135</sup> He was acquitted by the court on the ground that the prosecution failed to prove its case beyond reasonable ground and that any actions of the accused were done in self-defence.<sup>136</sup> If one adds to the aforesaid reports the repeated incidents of malicious damage to cars with Turkish-Cypriot number plates parked in the south, we may perhaps have a pattern of increasing racial violence/crime against Turkish-Cypriots starting from 2004, with the referendum on the UN peace plan (24.04.2004).

With regard to police violence against asylum seekers, one may infer a pattern from the point when they first started arriving in Cyprus in the late 1990s, even before the establishment of an asylum legal regime. Amnesty International’s report on Cyprus for 1999 states: “In June, 113 people from Africa and the Middle East rescued from a fishing trawler drifting off the coast of Cyprus were remanded under police guard in an hotel in Limassol pending a decision on their asylum applications. In August, 30 asylum-seekers, most of them Africans, were transferred from the hotel to the cells of the former Police Headquarters in Larnaca pending deportation. At least four of them alleged they were beaten by police officers while a police inspector was watching. As a result of the beatings the asylum-seekers sustained various injuries; they were initially denied access to hospital. One asylum-seeker alleged that as he opened the door of his hotel room, he was kicked in his genitals, and that five police officers then came into his room, beat and kicked him for up to 15 minutes. As a result of the beatings he sustained injuries to his eye, which required stitches, and jaw. He alleged that a week later he was brought before the police inspector who had accompanied the police officers responsible for his ill-treatment at the hotel, and threatened with further beating if he refused to sign a statement denying that the ill-treatment had occurred. Thirty of the 113 asylum-seekers were deported to their country of origin between July and October. In October, when 48 of the 113 asylum-seekers were held in Larnaca detention centre pending deportation, officers from MMAD (rapid intervention police force) units threw tear gas to force the asylum-seekers out of their cells into the yard and forced them to lie face down on the ground, in an effort to carry out the deportation order. Television footage showed police officers kicking and stamping on the asylum-seekers and hitting them with truncheons. About 10 of the asylum-seekers were reportedly transferred to hospital as a result of the beatings and respiratory difficulties caused by tear gas.” In addition to the Amnesty reports, ECRI also refers to a number of incidents of ill-treatment of asylum seekers by police, in many cases aimed at forcing them to withdraw their asylum applications so that they can be deported. The Ombudsman’s findings in this field also confirm this view; by way of recommendation the Ombudsman suggested that the procedures change so that withdrawal of the asylum application is only possible in the presence of staff from the Asylum Service, which was reportedly adopted. ECRI also expresses concern at reports that undocumented migrants and asylum seekers who try

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Human Rights Practices , Released by the U.S. Bureau of Democracy, Human Rights, and Labour, 23.02.2001.

<sup>133</sup> Kalatzis, M. (2005) “Xespanan anev logou se Tourkokyprio” in *Politis* (30.09.2005), p.22; Nearchou J. (2005) “Katathese o Tourkokyprios: Anagnorise ton Chrysavgiti” in *Politis* (21.09.2005), p.21; Nearchou J. (2005) “Katigoreitai oti ktypise Tourkokyprious- Se apologia o Chrysavgitis” in *Politis* (05.10.2005), p.22.

<sup>134</sup> The third case was still pending at the time of writing this report.

<sup>135</sup> Chrysi Avgi was described by the major political parties in Cyprus as “Nazi”, “racist”, “fascist”, as reported in Psyllides, G. (2005) “Ultra-nationalist group in the dock after Turkish Cypriot beaten” in *The Cyprus Mail*, (02.08.2005). Its symbol is based on the Nazi swastika.

<sup>136</sup> Kalatzis, M. (2005) “Athoothike o Chrysavgitis” in *Politis*, (05.11.2005), p.47.

to enter the Republic though the Green Line have been subjected to racist behaviour by border control officials.<sup>137</sup>

*a) How has the role of extreme right-wing groups or other groups, in the manifestation of racist violence and crime, changed during the period covered?*

The ultra-nationalist organisation ‘Golden Dawn’ (Chrysi Avgi) originating from Greece has acquired supporters in Cyprus several years ago but they had primarily made their presence felt in football hooliganism. In 2005 we have two of the very first incidents of racial violence against Turkish-Cypriots where the perpetrator declared himself to be a member of this group. However, in these cases, it is hard to conclude that the organisation was behind the attacks. For these incidents, as well as for the incidents of malicious damage to Turkish-Cypriot cars one may perhaps pinpoint responsibility on the nationalist discourse adopted, following the rejection of the UN peace plan in 24.04.2005, by a number of politicians coming from different political parties across the whole spectrum of political life in Cyprus.

In the parliamentary elections of 21.05.2006, one candidate for one of the small right-wing parties (EVROKO), namely Nicos Clerides, has published statements and articles in his website containing racist speech. In support of his candidacy, he presented his ‘vision’ for the capital Nicosia under the heading “Nicosia for the Nicosians” and then goes on to promise his voters that he will cleanse and restore the character and prestige of the historic centre of the capital (where the majority of migrants now reside) and address the problem of “illegal immigrants” and “the contemporary ghetto which constitutes a time bomb that one day will explode with unforeseen consequences”.<sup>138</sup>

Mr. Nicos Clerides did not get elected in the end and the overall impact of the above statement is probably rather marginal. More attention should perhaps be paid to xenophobic and anti-Turkish remarks made by more mainstream politicians, including the Mayor of Nicosia, in the creation of an atmosphere and attitude amongst the Greek-Cypriots which is not conducive to the development of respect for diversity and social inclusion. However, in the absence of impact assessment studies, it is difficult to conclude as to the impact of nationalist and xenophobic language.

*b) Are there any changes with respect to the main victim groups targeted?*

Again in the absence of records conclusions are only based on estimates. However, it is known that during the previous decade (1990s) the victims of racial violence could only have been the economic migrants.

For a limited period of time in the late 1980s and early 1990s, a small community of Turkish-Cypriots settled in the old Turkish quarter of Limassol, having crossed the Green Line in search of a better life in the south. The repeated incidents of police harassment (which at the time caused the formation of a local support network made up of Greek-Cypriot peace activists) coupled with their adverse living conditions, forced most members of this small community to return to the north within a short period of time.

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<sup>137</sup> Third ECRI Report on Cyprus, adopted on 16.12.2005, Strasbourg 16.05.2006, Council of Europe, p. 27.

<sup>138</sup> <http://www.nicosclerideslaw.com/articles/areti.html>.

The opening up of the checkpoints in April 2003 have brought many more Turkish-Cypriots to the south, as workers, as visitors and as residents. However, it was primarily after the referendum of 2004 that incidents of violence made their appearance.

Also, the advent of the Roma in the early 2000 and the sharp increase of asylum seekers in the years that followed, have added more members to the vulnerable group.

## 6. 2. Outline developments in policy responses to racist violence and crime – both positive and negative.

### *a) What initiatives have been adopted to address and combat racist violence and crime?*

The response of the authorities to the ECRI reports<sup>139</sup> and the failures to prosecute or convict perpetrators indicate that the authorities do not consider that there is a problem of racist violence or racist crime. As reported by the Third ECRI report as well as by NGOs, there is a clear tendency amongst policy makers to downplay the racist motive of certain incidents.<sup>140</sup> This may partly account for the fact that no measures have been taken to address the issue of violence. The Ministry of Justice has reported on human rights and anti-discrimination training offered to police officers,<sup>141</sup> however the Third ECRI report on Cyprus<sup>142</sup> comments that the measures taken so far are not sufficient to combat the phenomenon of police violence. No measures are in place aimed at combating racial violence perpetrated by members of the public.

### *b) Is improved data collection on racist violence and crime being promoted?*

In 2004, the police reported that as from 01.01.2005 a mechanism for recording racial incidents would be established. According to this, an incident would be defined as racially motivated if it is perceived to be racially motivated by:

- The victim
- A member of the Cyprus Police
- A person who was present and who witnessed the incident
- A person acting on behalf of the victim.

For the largest part of 2005, this mechanism recorded no racist incident, despite the fact that a number of them had taken place by then. At the end of 2005, the system recorded two incidents: one following the recommendation of the Ombudsman to that effect<sup>143</sup> and one involving an attack against, inter alia, a Turkish-Cypriot.<sup>144</sup> In an oral statement of the police to the Cyprus NFP it was stated that that the system of recording racially motivated incidents for the time being

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<sup>139</sup> See for instance ‘Information on Developments since the second report on Cyprus (adopted on 15 Dec.2000) by the European Commission Against Racism and Intolerance (ECRI) attached to the Third ECRI report.

<sup>140</sup> See for instance KISA press release on the murder of the Roma boy in Limassol in 2004.

<sup>141</sup> “Contribution by the Ministry of Justice and Public Order of the Republic of Cyprus to the Raxen National Focal Point Dr Nicos Trimikliniotis”, enclosed with letter from the Cyprus Ministry of Justice and Public Order dated 06.09.2004 and addressed to the Cyprus NFP, in response to an enquiry of the Cyprus NFP.

<sup>142</sup> Third ECRI Report on Cyprus, adopted on 16.12.2005, Strasbourg 16.05.2006, Council of Europe.

<sup>143</sup> Cyprus Ombudsman Report No. A.K.R. 37/05.

<sup>144</sup> The relevant police letter to the NFP was dated 09.11.2005

suffers from technical difficulties due to the computerization of data processing which the office is undergoing.<sup>145</sup> In May 2006, the Police Officer in charge of the office for combating discrimination stated that “[t]he office for combating discrimination has repeatedly stated that the system of recording racially motivated offences is not operative for the moment”.<sup>146</sup> The use of the word “repeatedly” indicates that this has been the case for some time now, although the phrase “for the moment” shows perhaps that this inactiveness is intended to be only temporary.

The Third ECRI Report on Cyprus notes that there is no comprehensive data on the application of the legal provisions against racism and racial discrimination and recommends to the Cypriot authorities to provide police officers with support and training concerning the use of newly-introduced guidelines on recording racially-motivated incidents.<sup>147</sup>

*c) Are any initiatives victim-focused, offender-focused and/or community focused?*

The only initiatives which took place during the reporting period concern only police violence. The police training reportedly covers anti-discrimination and human rights training but it is not certain whether it specifically addresses the question of racial violence by the police.

*d) Please refer to legislation (including legal developments to combat racism and xenophobia), policy documents, action plans and concrete practical initiatives.*

In 1992 a law was introduced amending the Law ratifying the Convention on the Elimination of all Forms of Racial Discrimination of 1967, rendering harassment a criminal offence.<sup>148</sup> The law provides that any person who publicly, either orally or in writing through written text, imaging or any other way, intentionally incites acts which may cause discrimination, hatred or violence against persons or groups of person for the sole reason of their racial or ethnic origin or their religion, is guilty of a criminal offence.<sup>149</sup>

In 2004 On 01.05.2004 three laws came into force purporting to transpose Directives 43/2000/EC and 78/2000/EC: (a). The Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law<sup>150</sup> purporting to discharge of the Republic’s obligation to appoint a national Equality Body under Article 13 of the Race Directive (hereinafter Law No. 42(1)); (b) The Equal Treatment (Racial or Ethnic Origin) Law<sup>151</sup> purporting to transpose the Race Directive; and (c) The Equal Treatment in Employment and Occupation Law<sup>152</sup> purporting to transpose the Framework Directive.

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<sup>145</sup> Information given by Mr. Veis, Police officer in charge of recording racist crime on 19.01.2006.

<sup>146</sup> Letter from the Police Headquarters to the Ministry of Justice, 04.05.2006.

<sup>147</sup> Third ECRI Report on Cyprus, adopted on 16.12.2005, Strasbourg 16.05.2006, Council of Europe, pp. 9-10.

<sup>148</sup> Cyprus/ Law ratifying the Convention on the Elimination of all Forms of Racial Discrimination No. 13/1967, modified by Law No. 11(III)/92 and by Law No. 28(III)99.

<sup>149</sup> Section 2A(1) of the Law amending the Convention on the Elimination of all Forms of Racial Discrimination (Ratification) Law of 1967, No. 11 of 1992.

<sup>150</sup> Cyprus/ The Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(1)/ 2004 (19.03.2004)

<sup>151</sup> Cyprus/ The Equal Treatment (Racial or Ethnic Origin) Law No. 59(I) /2004 (31.3.2004)

<sup>152</sup> Cyprus / The Equal Treatment in Employment and Occupation of 2004 No. 58 (1)/2004 (31.3.2004).

In 2004 the Police compiled an Action Plan <sup>153</sup> for combating racism and discrimination which included the establishment of an Office for Combating Racism and Discrimination at the Police Headquarters.

*e) Are these developments driven by EU, national or local policy? Please highlight the role played by EU policy in shaping developments in the period covered.*

As regards police initiatives and legislative measures, these may directly be linked to Cyprus' EU accession. On the run-up to and following Cyprus' EU accession, members of the police force participated in European level conferences on human rights and discrimination-related issues and offered human rights training to other members of the force. However, no impact assessment was ever carried out to measure the results of these initiatives and the continuing incidents and complaints suggest that perhaps these measures were not particularly effective.

Increased awareness and the emergence of a small number of human rights NGOs have also accounted for the increased reporting and handling of racial incidents. Since EU accession, many of these NGOs are receiving grants from EU projects on discrimination-related issues (EQUAL, ERF, INTI etc). The delay in transposing EU Directives, such as the Directive for family reunion and for the status of long term migrants means that there is a delay in considering and debating issues such as social integration and civic participation of migrants.

The establishment of the institution of the national Equality Body, pursuant to Article 13 of the Race Directive, has been a significant development in the area of developing complaints channels. Despite the limitations faced by the Equality Body mainly as a result of limited funding, it is nevertheless the first and only user-friendly procedure available to victims free of charge and without formalities.

### 6. 3. Developments in the area of policing racist violence and crime

Migrant support NGOs are reporting that they are receiving complaints from migrants that the police refused or was reluctant to prosecute perpetrators. The case of the *Police v. Jean Mistrellides* is one example of police reluctance to prosecute the perpetrators of racist behaviour. In the case of malicious damage repeatedly inflicted on cars with Turkish-Cypriot number plates, the police did not make the policy decision to guard the areas where public events with Turkish-Cypriots were taking place, restricting themselves to policing only if requested by the organisers. In spite of the fact that there were a number of instances reported in the press about malicious damage to Turkish Cypriot cars, the police officer in charge of recording racist incidents claimed no knowledge of these.

At the same time, the phenomenon of underreporting on the part of the victims, as a result of fear for deportation or simply lack of faith in the system reinforces the state of semi-effectiveness of policing in this area.

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<sup>153</sup> Source: Document titled "Contribution by the Ministry of Justice and Public Order of the Republic of Cyprus to the Raxen National Focal Point Dr Nicos Trimikliniotis", enclosed with letter from the Cyprus Ministry of Justice and Public Order dated 06.09.2004 and addressed to the Cyprus NFP, in response to an enquiry of the Cyprus NFP.

## 7. The public debate

As regards the key debates related to issues of equality and anti-discrimination the transposition of the Race Equality Directive received little attention. It was merely reported; occasionally, if there is some event promoting the new institutional framework the media and politicians will pay lip service to the new framework.

Immigration issues and key incidents which present racist incidents or highlighted cases of discrimination and civil disturbances do receive attention in a sensationalist manner.

In one case that has made the news in July 2004, a Greek-Cypriot man killed a ten year old Turkish-Cypriot boy in an unprovoked cold blooded incident which took place in a public area in Limassol, before the eyes of many by-passers. The Cyprus government and all political parties were quick to condemn the incident as an isolated crime committed by a psychopath with a criminal record who was also a drug addict, obviously fearing retaliations and further violence, a situation reminiscent of the 1963-1968 inter-communal strife that eventually led to the division of the island.

There are certain favourite subjects that the media is keen to bring up over and over again regarding migration and migrants in Cyprus. Clearly there is a regular pattern that is being reproduced and largely media generated about the 'negative' social consequences from the presence of migrants in Cyprus, the dangers from 'excessive numbers, the 'floods', 'chords' or 'waves' of migrants who are allegedly just waiting for the opportunity to 'move in', and exploit the opportunities that are available (work, social welfare, education etc). As studies show, such patterns re-emerge repeatedly since 1990s.<sup>154</sup>

Below we list some indicative issues related to migration and immigrants.

### (a) The connection with unemployment

An undocumented presumption often made is the connection between the inflow of migrant workers and the 'rise' in unemployment among Cypriots. Titles such as "Employers are dismissing Cypriots and are employing foreigners",<sup>155</sup> and statements by the trade union, DEOK attributing unemployment to the presence of migrant workers whose numbers have allegedly "reached unprecedented levels".<sup>156</sup>

### (b) 'Social problems'

"Social problems resulting from the presence foreign workers"<sup>157</sup> the "suffering of underage children as a result" as well as "affairs mainly by Cypriot men with female workers" many of which lead to "the break up of marriages."<sup>158</sup>

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<sup>154</sup>Trimikliniotis, N. (1999) 'New Migration and Racism in Cyprus: The Racialisation of Migrant Workers', in: Anthias, F. and Lazarides, G (eds), *Into the Margins: Exclusion and Migration in Southern Europe*, Ashgate Press, Avebury and Trimikliniotis, N. (2005) Work Packages 4 and 5, *The European Dilemma: Institutional Patterns and the Politics of 'Racial' Discrimination*, Research Project Xenophobia, EU Fifth Framework Program 2002-2005, [http://www.multietn.uu.se/the\\_european\\_dilemma/](http://www.multietn.uu.se/the_european_dilemma/)

<sup>155</sup> This is quoted by the right-wing trade union SEK: [Fileleftheros](http://www.sek.org.cy/greek/developments/82.htm) 03.12.2004. For the position of SEK see their website: <http://www.sek.org.cy/greek/developments/82.htm>

<sup>156</sup> For the position of DEOK on the subject, see their website [http://www.deok.org.cy/theseis\\_deok.htm#11](http://www.deok.org.cy/theseis_deok.htm#11)

<sup>157</sup> See article by Michael, S. "They arrange for them to be married in order to have them as concubines: some [immigrant women] will even change religion to stay in Cyprus", [Phileleftheros](http://www.phileleftheros.com.cy), 22.10.2004.

(c) Connection with criminality

Often, media reports offer this negative portrayal by merely repeating statements to that effect made by members of the police force and by not criticizing the underlying message of such statements. Sometimes pictures of arrested people appear next to reports on foreign workers. The headline of the newspaper *I Simerini*<sup>159</sup> follows the same pattern: “Foreigners have a portion of responsibility for the rise in criminality”. In July 2004 the police publicised a survey which they conducted, according to which the vast majority of serious crimes in Cyprus are carried out by foreigners. The survey has raised multiple reactions from MPs, journalists and the public, some objecting to it and others endorsing it.<sup>160</sup> Regular reports in the papers refer to arrests of immigrants for suspected crimes<sup>161</sup> but there are hardly any reports as to how many of these arrests lead to convictions. In August<sup>162</sup> 2004, the police gave to the press an ‘action plan’ to cut down on crime, on the basis of which the police was to carry out regular onslaughts to areas inhabited by immigrants, which the police chief himself called ‘ghettos’, to ensure that they do not engage in burglaries or other criminal acts, adding that immigrants terrorize by-passers when they enter their ‘ghettos’.<sup>163</sup> Nicosia’s municipal gardens for instance, which in recent years are frequented by migrant workers, have been described in the media as ‘a paradise turned into hell’ when, quoting partly the Nicosia Mayor and the police press officer, the writing journalist concludes that the migrants are responsible for the increased crime rates.<sup>164</sup>

(d). ‘Illegal’ immigrants and asylum seekers

Undocumented workers are frequently the subject of media reports which, although in some cases sympathetic, generally tend to portray them as a menace, in line with the view often expressed by the trade unions. A notable example of sympathetic treatment by the media concerns the case of a Syrian undocumented immigrant who in February 2004 had to flee from the clinic where his sick baby had just died, leaving the body of his dead child behind, in order to escape arrest from the police for illegal stay in Cyprus. The case made the news on 03.02.2004 and was covered by virtually all of the mass media, including TV channels, depicting a hard-working decent family man, interviewing his neighbours giving positive comments about him and calling on the Interior Minister to grant him a visa to stay, which in fact did happen a few days later. A similar example is the media reports on the case of an Egyptian accused of abducting a woman with intend to indecently assault her and who was bailed out by his Greek-Cypriot neighbours and employers who did not believe in his guilt and guaranteed that he would appear for trial.<sup>165</sup>

(e). Ill-treatment

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<sup>158</sup> In reply to questions by journalists, the government’s Social Welfare Department ‘expressed concern’ about such cases (Ergatiko Vima 08.09.1993).

<sup>159</sup> I Simerini, 22/2/2000, «Foreigners have the portion of responsibility for the rise in criminality” (In Greek: Αλλοδαποί έχουν το μερίδιο ευθύνης για την αύξηση της εγκληματικότητας).

<sup>160</sup> See for example article by Prokopis Georgiou, ex-policeman, “Unfair criticism against the [police] chief”, Phileleftheros 26.07.2004, in which he claims that foreigners take advantage of the hospitality generously offered to them and commit crimes against the local population, refusing to abort the bad habits and violence of their countries of origin.

<sup>161</sup> See for example unsigned article titled “Arrests for criminal activities” in Phileleftheros on 08.08.2004 which lists arrests of immigrants.

<sup>162</sup> August is the traditional holiday month during which the capital city is largely deserted.

<sup>163</sup> Hadjivasilis, M “New onslaughts in immigrants’ ghettos: they harass the public day and night - Measures against burglars”, Phileleftheros, 13.08.2004.

<sup>164</sup> Unsigned article titled “The Nicosia Municipal Gardens a paradise turned into hell” in Phileleftheros, 23.08.2004.

<sup>165</sup> Yiannakos, C. “Cypriots bailed Egyptian detainee out of jail”, Phileleftheros, 22.10.2004.

Recently, a few reports started appearing in a small number of newspapers<sup>166</sup> referring to the ill-treatment of migrants by their employers and by the police<sup>167</sup>, a problem also highlighted frequently from the relevant reports of the Cyprus Commissioner of Administration (or *Ombudsman*)<sup>168</sup> which are usually released to the press. In addition to the Commissioner's regular reports, the press also makes mention of reports by international organizations, such as ECRI and UNHCR but also of local human rights NGOs such as ETHNOPAD (the National Organisation for the Protection of Human Rights) and KISA (Action for Equality, Support and Anti-racism, previously called ISAG- Immigrant Support Action Group) on the living conditions of migrants in Cyprus.<sup>169</sup> Also, a limited number of reports sympathetically refer to the plight of economic and political refugees who come to Cyprus in search of a better life<sup>170</sup> but it is also possible to find articles depicting asylum seekers as opportunistic illegal workers who try to take advantage of the right of stay in Cyprus and the small state benefit afforded by the asylum procedure.<sup>171</sup>

## 8. Conclusions

The absence of data collection and recording mechanisms renders it difficult for conclusions to be drawn, particularly for the pre-accession period. However, from independent studies and reports of national and international organisations certain conclusions may be drawn.

There is evidence of inequality amongst vulnerable groups which can be considered to be the result of discrimination, primarily detected via their concentration in low-paid low status low-skilled jobs, with little opportunity for upward mobility. In spite of the important legal and institutional developments resulting primarily through Cyprus' EU accession, there is a significant gap in properly monitoring and effectively tackling discriminatory practices at the workplace few initiatives have been taken by the government and employers to ensure that discrimination is combated.

In the field of education, some improvements have been reported in developing multi-cultural aspects of education for vulnerable groups. However, little improvement has been made in properly monitoring the situation, collecting data and in translating general policy goals into specific policies to combat racism. Regarding major trends and practices against vulnerable groups, some initiatives have been taken to improve their access to education and to provide support language classes as well as supporting the teachers. No study has been commissioned by the authorities regarding access to education, attainment, drop out rates segregation and generally in improving the educational position of vulnerable groups. Independent research indicates that there are barriers to access to education, differentials in educational attainment and drop out rates

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<sup>166</sup> Although there are specific journalists who write in different newspapers and are sympathetic towards migrants, there are two newspapers which are consistently more sympathetic: "Politis" (<http://www.politis.com.cy/sindex.html>) and the English speaking "Cyprus Mail" ([www.cyprus-mail.com](http://www.cyprus-mail.com))

<sup>167</sup> See for example article by Evripidou, M. "Asylum seekers 'submitted to systematic abuse'", The Cyprus Mail, 17.9.2004

<sup>168</sup> Under the recently enacted Law on Combating of Racial and Some Other Forms of Discrimination (Commissioner) No. 42(1)/ 2004 (19.03.2004), which purports to discharge the Republic's obligation under Section 13 of the Directive 43/2000/EC, the Commissioner was appointed as the specialised body to combat racism and discrimination.

<sup>169</sup> See unsigned article titled "Xenophobia 'common across all levels of society'", The Cyprus Mail, 22.10.2004.

<sup>170</sup> For example Kyriakidou, C. "4.638 foreigners from every corner of the earth come to Cyprus in search of *Ithaca*". *Phileleftheros* 19.06.2004.

<sup>171</sup> See Court case reported in *Phileleftheros* on 28.11.2004 of Sri Lankan who applied for asylum after three years of illegal stay in the Republic (titled "He applied for political asylum after three years").

and de facto segregation at schools. In the field of good practices, the most important initiative is that of the semi-private English School which has decided on its own initiative to develop a road map to combating discrimination.

Discrimination and segregation in housing became increasingly visible during the reporting period, with the Roma settlements and the migrants' urban getthoisation being the most serious cases. There is little policy to combat this phenomenon, which is in fact often aggravated by xenophobic public discourse.

Interesting developments have taken place in terms of legislation. The transposition of the two EU anti-discrimination Directives have created offences which did not exist before in the Cyprus legal system. Primarily however, it has established the institution of the Equality Body by extending the mandate of the Ombudsman, which has been instrumental in the fight against racism and discrimination. At the same time, it has become obvious that, as a measure, litigation is in practice not available to the large majority of the vulnerable groups, whilst at the same time the police appear reluctant to use the new legal provisions to prosecute racial harassment and racial crime.

In the field of monitoring racist crime, the mechanism set up by the police worked for only a few months and then became inoperative. The weakness in recording racial incidents, coupled with the authorities' tendency to downplay racist motivations in incidents, is not conducive to alleviate what seems to be an atmosphere of increasing nationalism and intolerance.