

[Cyprus]: NGO FOLLOW-UP REPORT	CERD/C/CYP/CO/17-22 (Sept 2013) CERD/C/CYP/23 – 24 (Jan 2016)
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Paragraph 7 : Peace process and intercommunal relations

The Committee encourages the State party to continue to invest every effort, with a view to seeking a comprehensive settlement of the Cyprus problem. The Committee also supports the recommendations of the Office of the United Nations High Commissioner for Human Rights with regard to addressing the underlying human rights issues and causes, including for those groups and communities whose rights are guaranteed by the Convention.

The Committee requests the State party to include in its next periodic report information on intercommunal initiatives undertaken by the State party and by civil society organizations to restore mutual confidence and improve relations between ethnic and/or religious communities as well as raise awareness through the impartial teaching of the history of Cyprus in schools and other State institutions.

Suggested grade by the civil society organization

1. Any measures taken in accordance with the recommendation, and its effects

After the election of Nicos Anastasiades as president of the Republic of Cyprus (RoC) and Mustafa Akıncı in the "Turkish Republic of Northern Cyprus" in April 2015, a new round of negotiations towards a mutually accepted solution to the Cyprus problem started between the two communities. Despite the significant differences that still exist, it is acknowledged according to the information publicised, that both communities proceeded into compromises in important "chapters" in relation to the internal aspects of the Cyprus problem. However it seems that there are still significant differences between the two sides in important aspects, such as the territorial issue and on issues concerning the security and guarantees of the federal state.

2. Any measures taken that contradict the purposes of the recommendation

As in the recent past, when a window of opportunity opens regarding the resolution of the Cyprus problem, nationalism turns into a platform for all those contrary to a solution based on a Bizonal Bicomunal Federation with political equality between the Greek and Turkish Cypriot communities. The so-called "intermediate front" of all forces opposing a federal solution to the Cyprus problem, which started to be formed mainly after the election of Nikolas Papadopoulos as chairman of the political party DIKO in 2013, tends to criticize the government publicly for any apparent positive development in the talks. In fact, recently, the "front" effected serious problems in the bi-communal talks between using their influence inside the Parliament and succumbing to the agenda of ELAM, the self-proclaimed Golden Dawn of Cyprus.

- On 10th February 2017, the House of Representatives passed an amendment to School Regulations submitted to the House by the Government, introducing provisions to the effect of obliging public schools to celebrate as a distinct day the January 1959 'Enosis' (Union) referendum of Greek Cypriots for the island to be annexed to Greece.¹ The amendment was proposed by the neo-Nazi party ELAM, a branch of the Greek Golden Dawn in Cyprus and supported by 19 votes from the small parties of the so-called "intermediary front" parties, centre, extreme right, socialists and the Greens. The amendment was rejected by AKEL - left wing party while the ruling party DISY abstained from the vote. As a result of the

¹ Please see a relevant article: <https://goo.gl/romEBT>

above vote, the amendments of ELAM were approved. Following this vote, the Turkish Cypriot leader withdrew from the negotiations, highlighting that this decision alone signified the inability of the Greek Cypriot community to understand how sensitive the issue of “enosis” was for Turkish Cypriots and that it was not acceptable to pass such regulations while negotiating a solution based on a Bizonal – bi-communal federation. This resulted in the suspension of the negotiations for two months. The Turkish Cypriot leader clearly stated that unless this legislation was reversed, he was not willing to return to the negotiations.

- On 6 April 2017, the Parliament, upon a proposal from DISY and with the support of the left wing AKEL, passed a new piece of legislation providing that the matter of what is celebrated in schools will be decided by the Minister of Education, after consulting with the Parliamentary Committee of Education, irrespective of the provisions of the regulations. During this particular session, there was an uproar caused by ELAM MPs and other members of the neo-Nazi party with the participation of other nationalist and chauvinist circles. It was the first time since the 1960 Declaration of independence of the Republic of Cyprus that the police were called to intervene in the House to restore order. The decision of the House of Representatives was followed by hate speech and incitement to violence against pro-solution parties and particular politicians. The leader of AKEL, who was personally attacked while exiting Parliament after the above vote, filed a complaint with the Police and the Attorney General in order to bring the perpetrators of such hate speech and incitement to violence to justice. The actions of the Police and/ or the decision of the Attorney General are currently pending.
- After the passing of the new legislation, the Turkish Cypriot leader returned to the negotiations, acknowledging that the legislation passed signified a correcting move over the problem. However, the matter has not as yet been settled because the President of the Republic subsequently decided not to sign the law so as to be put into effect but to refer the matter to the Supreme Court as to the constitutionality of the law, after an opinion of the Attorney General that the law was unconstitutional because it violated the principle of the separation of powers. This latest decision of the President raises serious concerns as to the genuine political will of the President and his commitment to the solution of the Cyprus problem and created an uproar in mainstream and social media from pro-solution supporters. It remains to be seen how this political decision will influence the current negotiations, in the light also of the fact that in February 2018, Presidential elections will take place in the Republic of Cyprus.

3. Current status of the problem (especially changes after the adoption of concluding observations)

As a result of the systematic and still ongoing attempts of the so-called “intermediate front” to build a front against solution, the said political forces have been trying to bridge their differences on issues that have shaped the modern history of Cyprus. As a result, we witness the revival of an extreme nationalism akin to that of the 1963-1974 period and goals of the past such as the goal for “‘enosis’ (union’) with the motherland Greece”. The statement of the MEP and leader of the newly formed political party “Solidarity” is also indicative of the dominant nationalistic environment. In an event that took place in Athens on January 2016, Theocharous said “If setting oneself on fire at Syntagma Square [in Athens] is what it takes to push for a union of Cyprus and Greece, then I will strive to be the first to do it.”

These developments pave the way to extreme nationalistic and racist powers to further promote their positions in society and to undermine any effort for finding a solution to the Cyprus problem.

In this framework, the neo-Nazi group ELAM received 3.71 % of the votes in the parliamentary election of May 2016 and entered parliament for the first time with two MPs.

Beyond the presence of the neo-Nazis in parliament, in the last two years the incidents of hate crime by Greek Cypriot racists and extreme nationalists against Turkish Cypriots have increased to alarming levels. The attacks

against Turkish Cypriots by Greek Cypriot students in November 2015, the attacks against Turkish Cypriot taxi drivers in July 2016, the arson attack against a mosque in Deneia in February 2016, repeated attacks against Turkish Cypriots outside APOEL (a right-wing affiliated football club) building, heckling and jeering from helmet-wearing fascists against pro-peace protesters during a bicomunal event at Ledra Palace in January 2017, as well as the recent (February 2017) malicious damage caused to Turkish Cypriots' cars at Troodos, are only a few examples of racist violence and hate crime.² (for more about hate crimes by extreme nationalists please see page 10) .

Further, KISA expresses concerns about the fact that the negotiations are taking place on the basis of a strictly bi-communal framework, without even acknowledging the realities that have been shaped Cyprus since 1960. Realities concerning the multicultural synthesis of the population, the presence of migrant communities in both parts of Cyprus, including migrant communities from Turkey in the north. KISA is deeply concerned that in the negotiation process, the chapter of the Turkish "settlers" in the northern part of Cyprus is being discussed in the context of the immigration policy of the new state. A fact that may have negative consequences on the rights of migrants and refugees.

In addition, it is important to emphasize the need to recognize the hitherto labelled "religious groups" (Armenians, Maronites, Latins) as ethnic minorities, granting them all the rights of minorities as provided for by relevant international conventions. At the same time, we emphasize the need to include the Roma community in this context, rectifying the fact that in 1960 its presence on the island was totally ignored. As a result, all these years, the Roma community have been experiencing marginalization, exclusion and substantial barriers in accessing basic human rights.

Paragraph 8 : Status of the Convention in the domestic legal order		
The Committee recommends that the State party raise the awareness of judges, lawyers and law enforcement officers on international norms on racial discrimination, including the Convention, applicable at the national level.		
Suggested grade by the civil society organization		
4. Any measures taken in accordance with the recommendation, and its effects		
Regrettably, there have not been any significant measures that KISA is aware of towards this end, with the exception of a series of trainings provided to the Police by KISA. As described in the Comparative Report on Hate Crime Monitoring ³ , these trainings were developed and conducted by KISA in order to familiarise Law Enforcement Agencies and Civil Society Organisations with hate crimes, thereby strengthening their capabilities of recognizing and combating hate crimes.		
5. Any measures taken that contradict the purposes of the recommendation		

² Please See KISA's press release entitled "KISA asks for effective measures to combat nationalism – racism and associated crimes" <https://goo.gl/OchsLv>

³The said report is one of the outcomes of "TOGETHER! Empowering civil society and Law Enforcement Agencies to make hate crime visible", which is a transnational project co-funded by the Justice Department of the European Commission under the Fundamental Rights and Citizenship Programme.

6. Current status of the problem (especially changes after the adoption of concluding observations)
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In general, the situation in this field remains that there is no regular, comprehensive training of Police on racial discrimination and hate crime, nor is any such training when conducted mandatory for all police officers. Similarly, the training of lawyers and judges on hate crime and discrimination is scarce. It should also be noted that, according to KISA's experience, the Judiciary, the Bar Association and the Office of the Attorney General are not responsive or willing to engage in structured and comprehensive training in antidiscrimination law and hate crime. As a result, KISA believes that these bodies need to be informed and alerted at the highest political level of the necessity to more actively engage in activities concerning training on hate crime offences and the relevant judicial proceedings as well as on antidiscrimination law in general. Consequently, KISA considers that the Government should more actively pursue the training of judges, lawyers and other authorities involved.

KISA considers of particular importance the training of police investigators, public prosecutors and lawyers in the Office of the Attorney General on hate crime and discrimination because they are the competent law enforcement authorities deciding whether a case should be brought to the Court. In addition, complaints against police violence can be reported to the Independent Authority for the Investigation of Allegations and Complaints Against the Police, and if the authority decides that there are reasonable grounds to prosecute, they then refer the case to the Attorney General's Office. The latter is in charge of deciding whether to prosecute or not. Thus, it is KISA's position that if the prosecutors at the Attorney General's Office had a comprehensive training a lot more cases on hate crime, discrimination as well as cases of Police violence with a racial prejudice would be brought before the Court.

Paragraph 9 : Prohibition of racial discrimination

The Committee calls on the State party to fill the gap in the penal, labour and administrative laws with regard to the prohibition and punishment of acts of discrimination on the grounds of race, colour, descent, or national or ethnic origin, in the political, economic, social, cultural or any other field of public life, in accordance with the provisions of articles 1, 4 and 5 of the Convention.

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Moreover, the Committee calls on the State party to address the lack of coherence and the fragmentation of legislation relating to racial discrimination by consolidating the relevant laws into a comprehensive and internally consistent legal framework which would ensure clarity as to what is prohibited, and the penalties and reparations. The Committee also encourages the State party to expand the scope of the reversal of burden of proof to all civil law cases of racial discrimination. The Committee requests the State party to include in its next periodic report extracts of relevant laws, including those enacted in pursuance of this recommendation.

Suggested grade by the civil society organization		
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7. Any measures taken in accordance with the recommendation, and its effects

No measures can be reported in line with the recommendation of the Committee. There were no discussions and no exchanges with civil society organisations in relation to the need to repeal the anti-discrimination legislation so as to have a consolidated legislation framework fully in line with the Convention in order to cover all fields of life as per the obligations arising from Article 1,4 and 5 of the Convention. In addition, the piecemeal approach of the antidiscrimination legislation as described in the previous Alternative Report of KISA, of 9 August 2013, continues to be in place.

8. Any measures taken that contradict the purposes of the recommendation

A recent amendment to the Law on Combating Certain Forms and Expressions of Racism and Xenophobia by means of the criminal law of 2011 (Law 134(I)/2011) and to the Penal Code (CAP 154) may be said to contradict the purposes of the recommendation to the extent that, certain aspects of the new legislation weaken the protection of the victims of racist or hate crime. More specifically, Law 134(I)/2011 provided that the Courts, in the context of their sentencing powers for a crime committed, **were under the obligation** to take into account the racist and xenophobic motives of the perpetrator when sentencing. These provisions have now been deleted from this law and the Penal Code has been amended so as to provide that the Court **may** take into account as an aggravating factor the motive of prejudice against a group of persons or a member of a group of persons defined by their race, colour, national or ethnic origin, religion or other belief, birth, sexual orientation or gender identity. Even though the law now provides for extended grounds of prejudice to be taken into account in sentencing and in relation to any criminal offence of the Penal Code, which is welcomed, it now leaves the matter at the discretion of the Court and does not impose an obligation to the Court to do so, as previously provided in Law 134 (I)/2011 at least in relation to a racist or xenophobic motive of the perpetrators. Taking into account also that judges are not specifically trained on racial discrimination and hate crime, serious concerns are raised as to the effective application by the Courts of these provisions.

9. Current status of the problem (especially changes after the adoption of concluding observations)

As mentioned in the previous alternative report of KISA, there is no definition in the legal framework of Cyprus of racial or ethnic origin discrimination in line with the Convention which covers all areas of life in accordance with Articles 1,4 and 5 of the Convention. As previously reported, the Combating of Racial and certain other forms of discrimination (Commissioner) Law of 2004 (Law No 42(I)/2004) provides for the powers of the Commissioner in relation to racial or ethnic origin discrimination by reference through to prohibited discrimination in accordance with other laws. The laws prohibiting discrimination are based on the EU anti-discrimination Directives and cover only the areas provided in the Directives and do not fully cover the prohibition of racial discrimination in all areas of life in accordance with the Convention. In addition, these laws exclude directly from their scope, as the EU antidiscrimination Directives do, the difference of treatment based on nationality, whereas they apply without prejudice to provisions and conditions relating to the entry into and residence of third-country nationals and stateless persons in the territory of Cyprus and to any treatment which arises from the legal status of the third-country nationals and stateless persons concerned. As non-citizens and in particular migrants from non EU countries are excluded in Cyprus in law and in practice from the majority of the rights provided in the Convention, on the basis of their nationality and/or legal status, and not on the basis of objective criteria applied pursuant to a legitimate aim and proportional to the achievement of the aim pursued, the antidiscrimination laws have limited application to non-citizens and/or it is difficult to establish racial discrimination as regards non-citizens, even in the cases of EU nationals who otherwise enjoy protection from discrimination on grounds of nationality as well.

Moreover, the RoC has no legislation on hate crime as such. Neither the penal code nor any other law specifically addresses or defines hate crime as a crime per se. The Combating of Certain Forms and Expressions of Racism and Xenophobia by means of Criminal Law, Law of 2011(Law 134(I)/2011) is the only major legislation relevant to hate crime and it was introduced for reasons of transposing Council Framework Decision 2008/913/JHA of 28 November 2008, on combating certain forms and expressions of racism and xenophobia by means of criminal law, which only criminalises the specific conduct provided in the Council Framework Decision, namely-

- a) publicly inciting to violence or hatred by public dissemination or distribution of tracts, pictures or other materials directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin;

- b) publicly condoning, denying or grossly trivialising crimes of genocide, crimes against humanity and war crimes as defined in Articles 6, 7 and 8 of the Statute of the International Criminal Court, directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin when the conduct is carried out in a manner likely to incite to violence or hatred against such a group or a member of such a group;
- c) publicly condoning, denying or grossly trivialising the crimes defined in Article 6 of the Charter of the International Military Tribunal appended to the London Agreement of 8 August 1945, directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin when the conduct is carried out in a manner likely to incite to violence or hatred against such a group or a member of such a group.

Paragraph 10 : Discriminatory laws and regulations

The Committee urges the State party to conduct a review of laws, regulations and policies, including those pertaining to migrant domestic workers, with a view to amending and nullifying those which have the effect of creating or perpetuating racial discrimination, in compliance with obligations under article 2(c) of the Convention.

Suggested grade by the civil society organization

10. Any measures taken in accordance with the recommendation, and its effects

KISA is not aware of any measure taken towards this end. The Government mentions that following the conclusion of the National Action Plan on Minimizing the Consequences of the Economic Crisis in Public Healthcare (NAPMCECPH) September 2013-September 2015, the MOH developed a new NAP for Public Health (NAPPH) to cover the years 2016-2018, targeting specific vulnerable groups, and as a result it is trying to review the capacities to provide health care to migrants and preparation of the relevant strategy. However, nothing has been implemented as yet towards this purpose.

11. Any measures taken that contradict the purposes of the recommendation

KISA maintains its position, as stated in detail in KISA's 2013 Shadow Report for CERD, regarding the institutional discriminatory policies, practices and measures towards migrants, asylum seekers and refugees, who are invisible and excluded from all measures and plans of the Government to combat unemployment of these groups. Indicative of this discriminatory framework, migrants and refugees are explicitly excluded from all measures and plans to combat unemployment as a result of the bailout, which were agreed with the social partners and targeted only Cypriots. On the basis of a "gentlemen's agreement", these measures proclaimed the dismissal of migrants and refugees as well as EU citizens, the latter only by inference

The Minister of Labour and Social Insurances since her appointment in April 2013, have been constantly expressing the intention of her Ministry to give motives to employers in order to employ Cypriots. Indeed, in a statement in April 2014, the Minister admitted that she cannot force employers to hire Cypriots, but the plans for combating unemployment through labour subsidies include the criterion for continues residence of the employees in Cyprus for the last five years.⁴ In the same vein, during a press conference of the far-right "Institute of Demographic and Migration Policy, the Minister reaffirmed the "patriotic" policy of her Ministry to favour Cypriots in the field of employment. In the same conference, the Minister added that in July 2013, 5000 households were receiving Minimum Guaranteed Income (MGI) and all of them were Cypriots. She also pointed out that European citizens should have at least five years continuous and permanent residence in the

⁴ For example see: <https://goo.gl/HwxvSk>

RoC in order to apply for MGI.⁵

Further, the representative of the Cyprus Hotel Association during a meeting with a delegation of the ruling party DYSI in July 2013 expressed the intention of the Association to increase the number of the Cypriot employees in the industry to 70%. DISY delegation welcomed the commitment of the Association.⁶

It is also noted that migrant domestic workers were the first group of employees to have their salaries cut as part of the austerity measures imposed in 2013 after the bailout. This further reduced their monthly salary to €309, which is almost three times lower than the minimum wage (applied by administrative decree to vulnerable groups of employees, and from which migrants are also excluded).

Similarly, KISA maintains its position as expounded in the 2013 Shadow Report, in terms of all other aspects of the discriminatory framework towards migrants and refugees, including private health insurance, exclusion from Social Insurance benefits, the public employment services (thereby legitimising the super-exploitation by private employment agencies), as well as the direct discriminatory provisions and language of the employment contracts of migrants, including those for migrant domestic workers.

12. Current status of the problem (especially changes after the adoption of concluding observations)

The Law on Guaranteed Minimum Income⁷ and other public assistance (child benefit, single parent benefit, student benefit, disability benefit, assistance to displaced persons - including housing policy), excludes third country nationals; only those recognised as victims of trafficking and persons with international protection can benefit from the provisions of the Law. In addition to that, EU citizens must have 5 years of residence in order to have their application accepted. In practice, they are asked for 5 years of social insurance to prove it. However, many EU citizens, although residing in the RoC for more than 5 years, have not contributed to the Social Insurance Fund for 5 years (some because they could/ did not work for 5 years and some because they were not registered by their employers with the SIF) and as a result their applications for GMI are rejected immediately.

In its 2016 Report, the Government states that it offers free medical care to all children and pregnant women in Cyprus. This does not reflect reality. The relevant legislative framework on the medical card, which entitles holders to free public health care, as well as the regulations for financial aid to patients in the private sector and abroad, exclude migrants. Further, the requirement for 3 years of Social Insurance contributions excludes persons with international protection and T/C (Turkish Cypriots). Many persons with international protection do not meet the 3-year residence requirement. Even if they are residing for 3 or more years, most of them do not have Social Insurance contributions as during the time they had been asylum seekers they had no access or restricted access to the labour market.

In addition, if an EU citizen does not have 3 years of Social Insurance contributions, their families are excluded from the medical card, even if their spouse/ parent (in the case of underage children) has 3 years of Social Insurance contributions, when the spouse/ parent is a migrant.

The regulations for financial aid to patients in the private sector and abroad exclude genital reconstruction surgeries. More specifically, trans persons may be able to access hormonal therapy, although there are reports of trans persons being denied such access by certain doctors, but they are not allowed access to operations

⁵ For more please see: <https://goo.gl/YGVT1R> and <https://goo.gl/lyRLRc>

⁶ For example see: <https://goo.gl/HwxvSk>

⁷ Ο Περί Ελάχιστου Εγγυημένου Εισοδήματος και Γενικότερα περί Κοινωνικών Παροχών Νόμος του 2014 (109(I)/2014)

related to their trans status and especially vaginoplasty and phalloplasty. As a matter of fact, after KISA pursued for years the access of a refugee trans woman to vaginoplasty, the government decided to amend the Scheme on Providing Financial Aid for Health Services Not Available by the Public Sector⁸, adding “requests concerning gender correction” in the list of requests not covered under it.⁹ This is despite the fact that, in practice, trans persons are required, among others, to have had vaginoplasty/ phalloplasty and sterilisation in order to be able to change their name and gender on their legal documents.

Regrettably, discriminatory legal provisions and practice are still a part of the domestic legal order. Notably, Article 5 of the Equal Treatment in Employment and Occupation Law¹⁰, does not cover discrimination based on nationality. In addition, a legal protection gap regarding multiple discrimination or the limited scope of anti-discrimination jurisprudence, reportedly owing to the lack of awareness of the anti-discrimination laws, persists.

Paragraph 11 : Information on cases related to racial discrimination

Referring to its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee recalls that the low number of complaints may be indicative of legislation that is insufficiently specific, a lack of awareness of available remedies, fear of social censure or reprisals, or an unwillingness on the part of the authorities to initiate proceedings. The Committee calls on the State party to ensure that the new framework to be adopted has the effect of encouraging the reporting of acts of racial discrimination and takes account of these factors.

It further recommends that the State party provide comprehensive information on this in its next periodic report, including information and statistics on cases related to racial discrimination, in particular their nature, the sanctions and the reparation provided to victims.

Suggested grade by the civil society organization

13. Any measures taken in accordance with the recommendation, and its effects

The legal framework and relevant institutions relating to discrimination have not been amended or changed in accordance with the Recommendations of the Committee, as a result of which, amongst other consequences, the numbers of complaints for racial discrimination, particularly before Courts, continue to be very low and/or nonexistent. The Government in its periodic report does not provide clear and sufficient information as to the number of complaints submitted for racial discrimination, apart from the statistics held by the Police which relate more to racially motivated hate crime. There are no statistics in relation to complaints submitted to the Ombudsman and Anti-discrimination Body or the number of cases submitted to Court and the outcome of such cases, if any.

In relation to the Police statistics, it has to be pointed out that the statistics are far from reflecting the realities of hate crime in Cyprus. It is evident that the police lack knowledge on the identification and investigation of hate crime incidents, attested to by the fact alone that, according to statistics provided by the Police, the majority of the victims of hate crime seemed to be Greek Cypriots. Most hate crimes are treated merely as offences under the general penal code without taking into account the hate motive(s) and racial bias. As a result, most hate crime incidents remain unidentified and therefore unprosecuted and essentially invisible.

⁸ Please see: <https://goo.gl/vIUUU2>

⁹ Vaginoplasty and phalloplasty are not available in Cyprus, either in the government or in the private sector and thus, trans persons who wish to have either of them have to go abroad.

¹⁰ Ο Περί Ίσης Μεταχείρισης στην Απασχόληση και την Εργασία Νόμος του 2004 (58(I)/2004): http://www.cylaw.org/nomoi/enop/non-ind/2004_1_58/full.html

Victims of hate crimes remain invisible and unsupported as there are no adequate measures or structures to meet their needs and support them. They are often persons belonging to already vulnerable groups (for example, migrants and refugees, T/C or Roma) who are afraid of further marginalisation/stigma/violence against them and who, therefore, prefer to remain invisible rather than report either violence against them or the grounds of such violence, when there is a hate motive. In many cases, victims themselves cannot/ do not realise that they have been victims of a hate crime. This is also why it is very important for the authorities to be in a position to identify hate crimes and efficiently support and protect victims. It is evident that Cyprus urgently needs to design and adopt a comprehensive plan to prevent and combat all forms of hate crime, to be based on a victim-support approach. In order to achieve this, the active involvement of and cooperation with civil society, especially representatives of vulnerable communities and groups, is of paramount significance.

In addition, the Police do not report on how many of those victims had access to reparation and compensation procedures before courts.

ECRI was informed by the RoC that attempts are being made for the improvement of the court archiving system too. Therefore, in its fifth report, ECRI concluded that Cyprus has only partially implemented its recommendations. Up to date, however, there have been no such developments, as a result of which it is unknown whether there are any pending cases on discrimination and racism before courts and the outcome of such cases.

The only case that KISA is aware of is one the organisation currently supports through its strategic litigation action and which is probably the first case ever submitted before Cypriot courts against the State, for failure to protect and properly investigate the racially motivated and hate attack against two Turkish Cypriot musicians at the Rainbow Festival of 2010 organised by KISA, by members of far right and neo-Nazi groups (Please see Alternative Report of KISA of 2013, p. 23). The case has been submitted to the District Court and is currently pending. It is interesting to note also that before submitting the case to the Court, the T/C musicians submitted applications for legal aid, which were rejected on the ground that legal aid cannot be granted before actually submitting the case, something that does not apply to any other cases for which you can apply even before submitting the case to the court. In addition, the Court found that as one of the T/C musicians had a monthly income of €300 he could afford to pay for his lawyer.

14. Any measures taken that contradict the purposes of the recommendation

15. Current status of the problem (especially changes after the adoption of concluding observations)

In November 2014, KISA set up an online mechanism for reporting and recording racist, discriminatory and hate speech incidents – Racism and Discrimination Alert (RADIAAlert). RADIAAlert was initially developed by KISA to address the urgent need for supporting and empowering people experiencing racist violence and hate crime in general and also to record and report such incidents. At the same time, the mechanism aimed to address and challenge the rising levels of institutional racism and discrimination, racist attacks and crime against migrants and refugees, particularly in the context of the economic crisis and the ever-rising nationalist, Islamophobic and racist public discourse. It was very important that, for the first time ever in Cyprus, people experiencing racist violence and hate crime in general, as well as others (friends or family members or other witnesses, NGOs, migrant and refugee associations and other groups) were able to actually report incidents of racist violence and hate crime. However, it was established that there were difficulties and problems in relation to the extent of the use of the RADIAAlert reporting mechanism by those concerned. After the evaluation of the mechanism, it was made clear that the low rate of reporting such incidents online was also due to the fact that

migrants and refugees, who are among the most vulnerable to hate crime, are still more familiar with reporting these in a more direct way, i.e. in person or through the phone, to KISA or other organisations, rather than through the indirect and impersonal way of an online reporting mechanism. Through this project, KISA has effected some changes in order to improve RADIAAlert and develop it to a more user-friendly tool to be used both in the RoC and in partner countries to record hate crime in general.

It is also noted that, according to the findings of the Country Report prepared and published by KISA in the framework of the EU funded project “TOGETHER - Fighting Against Hate Crime”, migrants report fear of walking in the streets because of racist violence against them. Moreover, CSOs report that hate crime incidents are far more common than official data suggest. This is because very often victims of hate crime will not report their experience at all or they will report it as an act of discrimination and not as a hate crime. Another reason is that usually the police report hate crime incidents not as hate crime but as common crime. A common reason that racist crime is unreported is fear of arrest, detention and deportation. Victims of hate crime are often undocumented migrants who will not officially report their experience as the common practice of the police is to arrest undocumented migrants and detain them for deportation purposes, even when they are victims of crimes. Moreover, usually undocumented migrants will not seek health care even when they are injured, due to fear of being reported to the police and other authorities. Such fear is reasonable as there have been many cases that health service professionals or other hospital staff reported undocumented migrants to the police, resulting in their arrest, detention and deportation. Moreover, even migrants with legal resident status are afraid to report violence against them to the police, as they fear that such a report will lead to losing their residence permit. This is because residence permits of migrant workers in Cyprus depend on their employers, who are often disturbed if workers “have issues” with the police, especially if they have to be absent from work – to give a statement to the police or to act as witness in court, for example.

Paragraph 12 : Verbal abuse and physical attacks motivated by right-wing extremism and neo-Nazism

The Committee urges the State to promptly investigate all allegations of racially motivated verbal abuse and physical attacks, to prosecute and, as appropriate, punish those found responsible, as well as provide reparation to victims. The Committee also urges the State party to take all necessary measures to prevent the occurrence of such acts in the future, including by declaring as illegal organizations which promote and incite racial discrimination, in accordance with the provisions of law L.134(I)/2011 on Combating Certain Forms and Expressions of Racism and Xenophobia.

Suggested grade by the civil society organization

16. Any measures taken in accordance with the recommendation, and its effects

It must be acknowledged that the police have made efforts to improve their registry on hate crimes by making data available with details for the period 2005 to 2016.¹¹ (CERD State Report, Cyprus, 2016, paragraph 46 - 48). However, the shortcomings mentioned above in relation to the statistics and the methodology used to collect them raise serious concerns. KISA acknowledges and welcomes the efforts of the police and its leadership towards education and training of police officers concerning hate and racially motivated crime. In this framework, some 50 police officers participated in a training programme organised by KISA in the framework of the EU co-funded project Together¹². The specific training was aiming to strengthen the capacity of Law Enforcement Agencies and Civil Society organisations to identify and report hate crime and to interact with

¹¹ Please see: <https://goo.gl/ns58Kc>

¹² Please see: <https://kisa.org.cy/6900-2/>

victims. Moreover, education and training of police officers and trainees was also discussed at a meeting with the Chief of Police on 11 March 2015, where KISA expressed its willingness and readiness to cooperate with the Police Academy, where it could give talks and presentations not only about its role and action but also about the areas of its mission.¹³ No action has as yet been initiated by the Police towards this. Cooperation between the Police and NGOs in the area of education and training is also part of the Memorandum of Cooperation, signed recently between the Police and 12 NGOs. (More information about the Memorandum of Cooperation is reported below.)

17. Any measures taken that contradict the purposes of the recommendation

Physical Attacks

The practice of the State in prosecuting perpetrators of hate crimes has not changed after CERD concluding observation in 2013. Despite the Attorney General's instructions to the Chief of Police that “racist and xenophobic motivation should be considered as an aggravating circumstance with regard to all crimes” and the relevant actions of the Chief of Police (CERD State Report, Cyprus, 2016, paragraph 45), in practice, law enforcement agencies, in most cases, failed to bring the perpetrators of these incidents before justice. More specifically, in the last three years the Police brought 16 cases before the court but only in 6 out of these cases the defendant was convicted. It is evident that the message that such incidents will not be tolerated anymore has not been clearly conveyed to society and would-be perpetrators. As a result, right-wing and neo-Nazi circles continue to gain ground.

The following are some examples of hate crime incidents that took place in the 2014 -2017 period by right-wing extremists and neo-Nazi groups, in most of which the state has failed to bring the perpetrators to justice.

- Attack by ELAM during the inter-communal event on the “Potentials of the Resolution of the Cyprus Problem and the re-unification of Cyprus”: The attack took place on 26/3/2014, during the inter-communal event on the “Potentials of the Resolution of the Cyprus Problem and the re-unification of Cyprus,” which took place in Limassol.¹⁴ Among others, the Turkish Cypriot politician Mehmet Ali Talat and many other members of the Turkish Cypriot community were attending the event. Some hundred members of ELAM lined up in the form of a paramilitary organisation, wearing helmets and holding cudgels, in the form of flagpoles with Greek flags on them, marched through the centre of Limassol and walked into the building, where the inter-communal event was taking place. Once inside, they threw firecrackers and a torch, which landed near the US Ambassador in Cyprus and other politicians. The ELAM members attacked a Greek Cypriot photographer and injured another, Turkish Cypriot journalist, who was covering the event. There were police present while the perpetrators shouted, abused and terrorised participants. The Attorney General decided not to prosecute the perpetrators in the name of “public interest”.
- Attacks against Turkish Cypriots: Attacks against Turkish Cypriots by Greek Cypriot students in November 2015¹⁵, against Turkish Cypriot taxi drivers in July 2016¹⁶, repeated attacks against Turkish Cypriots outside

¹³ Please see a relevant KISA press release: <https://goo.gl/qp4T7u>

¹⁴For instance see: <https://goo.gl/YAiHOR>

¹⁵For instance see: <https://tinyurl.com/jr8ugsn>

¹⁶For instance see: <https://tinyurl.com/han9wyr>

the APOEL building¹⁷, heckling and jeering from helmet-wearing fascists against pro-peace protesters during a bi-communal event at Ledra Pallace in January 2017¹⁸, as well as malicious damage caused to Turkish Cypriots' cars at Troodos in February 2017¹⁹, are only a few examples of racist violence against Turkish Cypriots in the last two years. From the referred incidents, the police have only managed to start penal proceedings against the perpetrators of the attack in November 2015²⁰ and against two Greek Cypriots who attacked a Turkish Cypriot driver.²¹

Despite the apparent efforts and political will of the Chief of Police in tackling racist violence and hate speech, the handling of such crimes remains highly problematic mainly due to the inadequate training of the majority of the police in dealing with such incidents. The following incident is an example of the ineffective stance of the Police to cope with racist speech and racist violence:

- Ms A.G., of African origin, is married to a Cypriot man and they live together with their young children. Ms A.G.'s neighbours repeatedly insulted and threatened her using racist speech and gestures, including racist comments in the social media. Mr K.N., the husband of Ms A.G., reported such incidents to the police, who took no immediate measures to protect her and her family, punish the perpetrators and prevent escalation. After the report, the police visited them and talked with them and the neighbours but considered the issue as a "misunderstanding between neighbours" and did not, therefore, proceed with any further investigation/ actions, despite the clearly racist motives of the neighbours. The racist treatment continued and in total lasted for about a year and a half. On 31 October 2012, after the neighbours posted some comments on Facebook with derogatory and offensive references against Ms A.G., Mr K.N. filed again a complaint to the police. The police officers on duty responded that "the case was not of police nature." At the same night, one of the neighbours went out in the veranda and yelled "jungle woman" at Ms A.G. The next day, there was a quarrel between Ms A.G. and the neighbour. The quarrel escalated and the police were called to intervene. The police filed at the court criminal cases for "assault" and for "causing grievous bodily harm" against everyone involved. Again, the police did not examine racist motives. Mr K.N., Ms AG's husband, filed a complaint to the office of the Ombudsperson and on 7/1/2016 the Anti-Discrimination Body issued a report concluding that "The police, therefore, although they were given all necessary information, have been incapable of responding to their double mission in relation to racist attitudes: Through early detection and effective response, on the one hand to protect the person who suffered racist insults and, on the other, to prevent escalation and spreading of violence. The Court convicted Mr K.N. to imprisonment of five months for causing grievous bodily harm to the mother of the neighbour. The Court also convicted the neighbours but suspended their sentences. Mr K.N. was imprisoned and filed an appeal at the Supreme Court against the decision of the Court. On 14/4/2016, the Supreme Court found in his favour and suspended his sentence concluding that his sentence should be suspended, taking into account, among others, the previous racist treatment his wife had been subjected to by the neighbours.

Further, It has been observed that members of the police themselves commit racially motivated verbal abuse against migrants. One such incident concerns the inexcusable behaviour on the part of a police officer against

¹⁷ For instance see: <https://tinyurl.com/hex4khf>

¹⁸For instance see: <https://tinyurl.com/jqwgj6y>

¹⁹For instance see: <https://tinyurl.com/guh4oq2>

²⁰ For instance see: <https://goo.gl/9zg3nM>

²¹ For instance see: <https://goo.gl/thMFQx>

detainees at the Detention Center of Undocumented Migrants in Menoyia, which has taken broader dimensions following the publication of a related video by KISA²². More specifically, the incident involves a police officer, who uses vulgar language against the detainees and behaves in an inexcusable and insulting manner against their religion. In fact, the detainees consider this incident as a retaliatory and punishing action for 'daring' to exercise their right to protest. According to information received by KISA, the police officer in question is a member of a group of police officers who mistreat and intimidate detainees in Menoyia. KISA also knows that the protagonist of the video had been suspended once before and later transferred to a different department. This cannot, in any way, be considered as a punishment for her actions nor the vindication of the detainees, particularly in view of the fact that the group of officers to which she belonged continues the mistreatment of detainees.

18. Current status of the problem (especially changes after the adoption of concluding observations)

Paragraph 13 : Racist hate speech

The Committee recommends that the State party strongly condemn the use of racist discourse by politicians and in the media. Furthermore, recalling that incitement to racial discrimination is outlawed in the State party, the Committee urges it to thoroughly investigate and, where appropriate, prosecute such acts.

Suggested grade by the civil society organization

19. Any measures taken in accordance with the recommendation, and its effects

The addendum to the Journalists' Code of Practice (JCP), referred to by the government in the twenty-third and twenty-fourth periodic report (paragraph 140 - how journalists should handle issues concerning migrants, refugees and asylum seekers), is indeed a positive development. However, in practice, the majority of media and journalists do not comply with the specific suggestions or the Code in general.

As far as the TV channels and radio stations are concerned, one main factor of the non-compliance with the said addendum is that the Cyprus Radio-Television Authority (CRA), according to the 1989 Press Law (L. 145/1989), does not have the authority to act autonomously and to impose fines or any other sanctions on news broadcasters which violate the addendum or any other provision of the JCP. Further, there is no authority, including the Cyprus Media Complaints Commission or the Union of Cyprus Journalists, that have the jurisdiction to impose fine on press, online media or individual journalists who violate the JCP.

In the last few years, the CRA proceeded with imposition of fines on TV channels for broadcasting hate speech (apart from news broadcasts). The fines were imposed in cases where there was a clear and immediate violation of the law. In addition to the incidents cited by the government (143 paragraph), below you can see three more incidents for which CRA imposed fines on TV stations.

- Instigation of xenophobia and racist hate through the television broadcast of the xenophobic and racist statements by actor Costakis Constantinou - €3000 fine on the Cyprus Broadcasting Corporation (CyBC).

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²² For more details please see: <https://goo.gl/HVBtmV>

²³ See KISA's relevant press release entitled 'Important conviction and fine for CYBC for xenophobic and racist statements': <https://goo.gl/TJ63Ck>

- Journalist Pavlos Mylonas, during a daily news show he hosted, launched into a tirade about Greek Cypriots who cross over to the north to do business or buy goods and services, calling them 'koprites' (Greek for 'mongrels' or 'deadbeats') and saying they were "unworthy of their patriotic ancestors". The offensive word was used several times. - € 6000 fine on Mega TV.²⁴
- The racist interview of Greek singer Notis Sfakianakis - €21.000 on Cyprus Broadcasting Corporation (CYBC).²⁵ It is important to note that despite the outcry about Sfakianakis's racist rhetoric, CYBC decided to re-broadcast the show twice.

As far as we know, except from some sporadic campaigns mentioned by the government (CERD State Report, Cyprus, 2016, paragraph 43), no substantial measures have been taken to address hate speech by public figures.

20. Any measures taken that contradict the purposes of the recommendation

21. Current status of the problem (especially changes after the adoption of concluding observations)

In Cyprus, politicians and other public figures often employ hate speech in their public statements and the mainstream media make regular use of hate speech, especially against Turks, migrants and refugees. To date, the CRA has investigated and imposed fines in cases where there was a clear and immediate violation of the law. However, the CRA has not proceeded with imposing sanctions regarding indirect instigation of xenophobia and racist hate. For example, media tend to refer to newly arrived refugees as illegals "παράνομους - λαθρομετανάστες). Additionally, the CRA does not have the authority to monitor and impose fines on electronic media, a fact that results in the reproduction of hate speech online. Broad generalisations and stereotyping only contribute to the dehumanisation of refugees and migrants in the public's consciousness and further deteriorates the violation of their human rights.

Further, despite the available laws prohibiting hate speech, law enforcement agencies systematically fail to bring the perpetrators of such acts to justice. As a result, the phenomenon continues to increase and spread with evident negative consequences in the society.

Below, there are three examples of hate speech by public figures without the state even attempting to impose any sanctions to the perpetrators:

- Notis Sfakianakis, a famous Greek singer, made racist, islamophobic, and xenophobic comments during a TV show (Tête-à-tête) of the CyBC. More specifically, Sfakianakis referred to refugees as "illegal immigrants" and "ripsaspides"²⁶ and argued that "they rape Greece." He also questioned the experiences of refugees claiming that they are all rich people and that they serve "Turkey's plan for the islamisation

²⁴ Please see the decision: <https://goo.gl/H8nIe7>

²⁵ Please see relevant info in paragraph 21 on this page

²⁶ "Ripsaspis" [sing.] ("ripsaspides" [plural]) is a Greek word denoting somebody who cowardly ran away during wartime, instead of staying and defending their country.

and hence the extinction of Greece.” He also ignored refugees’ experiences, such as the hardships they go through during their journeys and racist violence against them. Finally, he spoke against multiculturalism claiming that multiculturalism “is a nightmare” and that “our society is going from bad to worse and the global dictatorship is just before the gates”. KISA became aware of some of the above through advertising clips before the actual broadcasting and asked the CyBC not to air the show. Ignoring KISA, and others, the CyBC went ahead and aired it three times. Following complaints by KISA and others, the Anti-Discrimination Authority and the Cyprus Media Complaints Commission (CMCC) examined the case and found that the CyBC should not have aired the show that promoted racism, islamophobia and xenophobia. More specifically, in its reports, the Anti-Discrimination Authority highlighted that “hate speech is dangerous because its effects and impact on individuals, society and democracy cannot be underestimated or ignored: What is at stake is human dignity, human rights, the claim for equal opportunities and equal participation, the idea of an open and peaceful coexistence, the democratic values of modern civilization”. Moreover, the Cyprus Radio-Television Authority found that there were violations of the Cyprus Broadcasting Law on airing content “inciting hatred based on race, sex, religion or nationality” and imposed a total administrative fine of €21,000. In addition, following a complaint by KISA, the police made an investigation of the case and found that there were grounds for the prosecution of Sfakianakis. However, the Attorney General decided not to prosecute Sfakianakis on grounds of public interest.

- On 31 October 2016²⁷, Archbishop Chrysostomos called homosexuality a ‘train wreck’, a ‘sin’ and ‘unnatural’ on MEGA TV show “Veto” Two days later, he tried to justify his previous statement by adding that while the church loved homosexuals, they (homosexuals) ‘had no shame’ and “went overboard” by organising events such as pride parades. Further, the Archbishop said that there would be no homosexuals in the Cyprus Orthodox Church schools he was planning to open. “We want to take nursery-school ages 2.5 to 3 years old because we want to put the soul of Christ into them. We want to create the right people for society. We want to give knowledge and morals”. ‘Accept-LGBTI Cyprus’ lodged an official complaint about Archbishop Chrysostomos statements to the Attorney General for promoting hatred based on sexual orientation and/or gender identity. To date, there are no signs that the Attorney General will proceed with the prosecution of the Archbishop for his homophobic statements.
- Further, Archbishop Chrysostomos made indirect racist references during a TV show (Holy Synod of Orthodoxy) aired on 5 July 2016 on CyBC.²⁸ During the show, the Archbishop referred to a Bishop of African origin in a derogatory and indirect racist way. More specifically, he referred to his colleague repeatedly by using the designation “the black” instead of his name. After the incident, KISA made a complaint to the Anti-Discrimination Authority, but on 23 February 2017, the Commissioner of Administration informed us that she decided not to proceed with an investigation of the complaint.
- Sexist attack in the House of Representatives: On 26 June 2015, MP Andreas Kyprianou tried to place his mobile phone and while this was probably on ‘capture a picture’ mode, under the skirt of MP Irini Charalambidou. When she reacted, he swore at her calling her among others “a slut.” He continued with

²⁷ Please see: <https://www.youtube.com/watch?v=D3XIBvEsvo>

²⁸ Please see: <http://politis.com.cy/article/i-nistia-o-archiepiskopos-ke-o-mavros-video>

the well-known tactic of victim blaming, saying that he thought that his colleague had tried to take a photo of him while he was smoking illegally in a meeting room in Parliament. Apart from the joint press release by a group of NGOs, Immediately after the sexist assault, there was also a petition launched asking the Attorney General to lift the parliamentary immunity of the perpetrator in order to be accountable for his actions in court. MP Irini Charalambidou reported the assault and filed a complaint to the police. After the investigation of the case, the police suggested to the Attorney General to waive Andreas Kyprianou's immunity and to prosecute him for: 1) Smoking in a non-smoking space in the House of Representatives, 2) public vilification, and 3) indecent assault against a woman, as illegally and indecently placed his mobile phone under the skirt of MP Irini Charalambidou to take a photo. Unfortunately, the Attorney General decided not to prosecute the case, again in the name of public interest.

Paragraph 14 : Rights of minorities and freedom of religion or belief

The Committee recommends that the State party consider all possible means for guaranteeing the right to self-identification and the free exercise of political rights without distinction. Moreover, the Committee recommends that the State party define "minority" and the rights of persons belonging to minority groups in its legislation. The Committee requests the State party to provide in its next periodic report information on these provisions and on the economic and cultural contribution of minorities to the society.

Suggested grade by the civil society organization

22. Any measures taken in accordance with the recommendation, and its effects

Up to the time of conducting this follow up Report, the State has neither taken any measures to define "minority" nor has it defined the rights of persons belonging to minority group. It appears, from the State's Report submitted to CERD in 2016²⁹ and the interim report submitted in 2014, that the only minorities recognised by the State are those of the Armenian, Latin and Maronite Communities. The latter minority groups are the ones who were 'traditionally' recognised as "religious groups". Nonetheless, the Government has taken no further measures to define and establish that other minorities exist in the country either through legislation, or by any other measures. As a result, the rights of minorities have not been defined either.

Further, the Government has not provided any information on the economic and cultural contribution of minorities to society.

23. Any measures taken that contradict the purposes of the recommendation

24. Current status of the problem (especially changes after the adoption of concluding observations)

²⁹ State report: 121. In cooperation with the religious groups-national minorities, the MOEC prepared brief chapters referring to the religion and cultural heritage of each of the religious groups-national minorities. These chapters were incorporated in the religious instruction textbooks used for the third grade of all public primary schools. The units are titled "Our neighbours the Armenians", "Our neighbours the Maronites" and "Our neighbours the Latins". These books were distributed to schools during the school year 2012-2013.

Regarding the right to self-identification, trans persons are practically almost not allowed to change their name and gender on their legal documents. and their access to medical treatment is restricted. More specifically, trans persons may be able to access hormonal therapy, although there are reports of trans persons being denied such access by certain doctors, but they are not allowed access to operations related to their trans status and especially vaginoplasty and phalloplasty. As a matter of fact, after KISA pursued for years the access of a refugee trans woman to vaginoplasty, the government decided to amend the Scheme on Providing Financial Aid for Health Services Not Available by the Public Sector adding “requests concerning gender correction” in the list of requests not covered under it. Moreover, there is no law in place concerning the change of legal documents of trans persons, but, in practice, trans persons are required, among others, to have had vaginoplasty/ phalloplasty and sterilisation, as well as to have not been married, in order to change their name and gender on their legal documents. Such a police entails that only a small percentage of trans persons can actually change their legal documents exercising their right to self-identification.

Paragraph 15 : Rights of minorities and freedom of religion or belief

The Committee requests the State party to provide in its next periodic report information on the protection framework and implementation of freedom of religion or belief, without discrimination on grounds of race or ethnic origin, including for minorities from religions other than the Greek Orthodox Church which may experience discrimination.

Suggested grade by the civil society organization

25. Any measures taken in accordance with the recommendation, and its effects

No measures were taken to that effect.

26. Any measures taken that contradict the purposes of the recommendation

27. Current status of the problem (especially changes after the adoption of concluding observations)

Two cases followed by KISA demonstrate the fact that religious freedom is not protected in Cyprus, nor is there a framework in place to be actually implemented. The first case concerns the establishment of a Buddhist temple. KISA contends that the position of the authorities in refusing to grant permission for a building to operate as a temple in Nicosia, and instead forced them to establish it in a village, constitutes religious discrimination. It is noted that this position from the authorities not to grant permission to operate the building as a temple led to the purchasing of a house which had illegal additions and fixtures, for which the Association was completely unaware. Ultimately, this led to the criminal prosecution of the Buddhist Reverend who would operate the temple. The criminal case is still pending.

The second example, considered by KISA to be of critical significance, is the criminalisation of a church, which is a local branch of the ‘Witness of the Truth International Mission’, an international religious organisation, to use speakers in order to conduct its weekly service. Despite the fact that the legislative framework exempts churches from having the necessary license to operate speakers, the State persecuted the President of the association using all legal means to do so. KISA considers this incident to be a failure of the State to protect and implement a framework, within which communities and minorities may exercise their religious beliefs.

Another case that KISA is aware of is a case of a local Muslim community in Arodhes, in Pafos. In this case, Muslims of that area renovated an abandoned mosque with their own money and resources. At the end of the renovation, they were not allowed to use the mosque, because the head of the village council would lock the mosque for security reasons in order to avoid attacks from Fascists. Again, the State failed to ensure the effective exercise of religious beliefs.

Paragraph 16 : Situation of the Roma community

The Committee, recalling its general recommendation No. 27 (2000) on discrimination against Roma, recommends that the State party step up efforts to address the precarious situation of the Roma community. The Committee also calls on the State party to ensure that measures taken, including through the National Strategy for Roma Inclusion, do not perpetuate the situation of de facto segregation of the Roma community, but rather secure their integration and address the stigmatization, marginalization and racial discrimination they experience. It requests the State party to provide information on measures taken and progress made in its next periodic report.

Suggested grade by the civil society organization

28. Any measures taken in accordance with the recommendation, and its effects

In its 2016 Report to the Committee, the Government elaborates on two particular programmes aimed at eliminating racial segregation and integrating the Roma people into the Cypriot society. However, KISA is of the opinion that these programmes are ineffective and unprofessional. Particularly, KISA has been informed by the Social Welfare Services that after several years of support, which was in fact minimal, the support had stopped, due to the fact that the needs are covered by other stakeholders. Nonetheless, these other stakeholders are mostly NGOs and independent services, who cannot financially sustain such programmes and initiatives.

29. Any measures taken that contradict the purposes of the recommendation

Despite the Government's measures described in the 2016, KISA regrettably notes that the latest policy followed by the Government has actually worsened the situation of the Roma community. Specifically, the Government has declared the Roma Community as 'non-regularly' residing in the Republic of Cyprus. This was in order to allow the Government to cut the benefits and force the Roma community to return to the northern part of Cyprus.

30. Current status of the problem (especially changes after the adoption of concluding observations)

The fact remains that the major problems besetting the Roma community persist to this day. The Government makes no mention, neither in its interim report nor in its 2016 report, of the Roma Community's conditions of housing and health. In addition, some Roma houses lack basic necessities such as electricity and water as well as basic hygiene amenities. Large numbers of Roma people are reported to be crammed under the same roof and children very often share their sleeping space with their parents. According to media report, the poor hygienic conditions in the settlement of the Roma population are largely responsible for the serious health problems of the Roma community.³⁰

³⁰ <http://www.osce.org/odihr/39442?download=true>

Paragraph 17 : Asylum procedure

The Committee urges the State party to strengthen legal safeguards to ensure effective protection against refoulement of persons in need of international protection, including by providing free legal aid without conditions to asylum seekers at all stages of the asylum procedure. The Committee also calls on the State party to guarantee asylum seekers equal labour rights and equal rights to welfare benefits, including by reversing the decision of disbursing welfare benefits through vouchers.

Suggested grade by the civil society organization

31. Any measures taken in accordance with the recommendation, and its effects**Refoulement**

The State has taken certain measures that directly concern asylum seekers and persons benefiting from international protection. Firstly, a First Instance Administrative Court (FIAC) was established with jurisdiction to examine the case in substance and on its merits, instead of simply conducting a legality review of the case. As a result, the Court is now able to, inter alia, to recognise a refugee or grant an asylum seeker subsidiary protection. In addition, the amended Refugee Law now provides that asylum seekers have the right to remain in the Republic from the day of submission of an application for international protection, until a first instance decision of the FIAC is reached therefore providing for an automatic suspensive effect pending judicial scrutiny of an asylum claim. This complies partly with the decision of the European Court of Human Rights in the case of *M.A. v Cyprus*³¹.

Legal Aid

The Legal Aid Law of 2000 (the Law) is the legal framework stipulating the occasions for which legal aid is available, and along with the Legal Aid regulations, prescribes the procedures of the application. Legal aid is provided in order to challenge a decision by the Asylum Service or the Reviewing Authority of Refugees to (or not):

- Exclude an applicant from the refugee status
- Decide to examine an application through the fast track procedure, based on the fact that an applicant has come from a safe European Union country
- Establish that an application is inadmissible
- Reject an asylum application on the grounds that those services examine an application by virtue of the fast track procedure³²
- Consider that an applicant has silently withdrawn their application, and thus reject it
- Reject an application on the basis that the applicant has explicitly withdrawn their application
- Decide that a refugee ceases to have the status of a refugee
- Revoke the status of a refugee
- Revoke a refugee's status, once the latter has decided in an equivocal matter to give up his refugee status

Legal Aid is also provided to applicants regarding their reception conditions and certain provisions of the Refugees Laws in relation to unaccompanied minors. In addition, asylum seekers are provided legal aid in relation to a decision pursuant to Article 27 of the European Union Regulation 604/2013 (Dublin Regulation). The success of the legal aid application however, depends on the possibility of success of the case, and their financial inability to afford a lawyer.

Further to that, legal aid only covers the judicial procedure on first instance, and not on appeal.

³¹ Application No. 41872/10

³² put the relevant provision of the directive (12Δ περί Προσφύγων)

Asylum seekers are automatically provided with legal aid, upon application, to appoint a lawyer to submit an application for the issuance of a writ of habeas corpus case of detention for the purpose of deportation.

The body responsible to decide on the legal aid application is the Court which would normally adjudicate the case for which legal aid is requested. In asylum and migration cases, the competent Court is the newly established Administrative Court.

32. Any measures taken that contradict the purposes of the recommendation

Welfare policy and reception conditions contradict the recommendation. Please see the immediately next section for more information.

33. Current status of the problem (especially changes after the adoption of concluding observations)

Refolement

It is firstly noted that despite the automatic suspensive effect provided by the Refugees' Law, the access of an asylum seeker to a remedy against refolement is, in essence, jeopardised by an ineffective system of access to legal aid, as described below. Consequently, due to the shortcomings of the legal aid procedure, confirmed by the low number of successful applicants,³³ it is KISA's belief that inability to access to this remedy, renders, to a great extent, this remedy ineffective.

Furthermore, there is a gap in the legislative framework and practice, in cases of failed asylum seekers, against which a deportation order has been issued. Even though the person concerned may challenge a deportation order, the latter will be examined under a legality review instead of a substantive review. Moreover, a remedy against a successful recourse is that the authority which issued the decision must reexamine it. Therefore, there is a great possibility that the authority in question will reexamine its decision, careful to be within the limits of administrative law this time, and as a result, there is great possibility to have the principle of non-refoulement overlooked. Furthermore, the procedure of challenging a return or a deportation order continues not to have an automatic suspensive effect contrary to the decision of the ECtHR in the case of *M.A. v Cyprus*. Instead, if an applicant wishes to have any of those orders suspended then they should submit an interim order, along with the recourse challenging the detention and deportation order. Such an order can be granted where the applicant has shown the flagrant illegality of the way that the decision in question was taken, or where there will be irreparable harm to the applicant should the decision is affected. Cypriot administrative case law shows that this measure is only very exceptionally granted.³⁴

Legal Aid

The Law stipulates that legal aid can be provided to asylum seekers who wish to challenge a negative decision of the Asylum Service, and the Reviewing Authority of Refugees. In addition, asylum seekers can be granted legal aid in order to initiate habeas corpus proceedings, so as to challenge the duration of detention. The requirements for a successful application are the lack of financial resources and the possibility of a positive first instance decision. Legal aid for a Habeas corpus for asylum seekers is automatically granted to asylum seekers, because of their status as the law does not provide for a possibility of success test. Several problems arise in the legal aid framework. To begin with, lawyers are not allowed to represent the applicant before the Court, nor can they be involved in the procedure. On the one hand, there is no explicit provision in the Law that prevents lawyers from representing the applicant, but on the other hand there is no such enabling provision. In any case, the practice until now is that applicants cannot be accompanied by a

³³ The statistics provided in this link <https://goo.gl/wi66T5> concern legal aid applications regarding a decision to detain an asylum seeker, which also requires a 'merits' assessment in order to be successful.

³⁴ Kale Ekema Ngomba, Applicant, v The Republic of Cyprus, via 1.The Minister of Interior 2.General Director of the Ministry of Interior, Defendant, Case Number 5630/2013, 26 July 2013

lawyer at the stage of submitting a legal aid application to the Registry of the Court (this was confirmed by the Registrars of the Court in KISA's roundtable discussion on effective remedies), nor be legally represented at the hearing of the legal aid application. In contrast with the principle of equality of arms, the Attorney General as a representative of the State and invariably objecting to the provision of legal aid to an applicant is represented by a lawyer.

Inevitably, a large number of applicants is rejected. To begin with, sometimes applicants are not familiar with the concept of legal aid, and as such are not always in a position to understand the purpose of these proceedings. In addition, the people concerned are not aware that they have a right to legal aid. Most importantly, applicants do not have legal knowledge to present the strongest points of their case. Even in the case that an NGO guides them through the procedure and the points they have to present to the Court, it is not always the case that the applicant fully grasps what needs to be presented and what they can or cannot do to argue their case in a successful way. In light of the fact that a person seeking legal aid cannot, most probably, advise a lawyer prior to the submission of legal aid, the majority of legal aid applications are bound to be unsuccessful. This is confirmed by the low percentage of successful applications.

Despite the provision of translation throughout the process, the quality of translation is inadequate. Firstly, from KISA's experience, it seems that the number of translators is very limited in the RoC. As a result, applicants might not receive the exact translation of their mother tongue, thus causing more confusion to them. In addition, the same translators are used for the asylum interview up until to the point of legal aid applications. Moreover, most of the translators available are not professionally trained to deal with asylum cases.

Reception Conditions

Regrettably, the implementation of the State's obligations in relation to reception conditions for asylum seekers is disappointing. One of the most striking shortcomings of the system is the fact that asylum seekers are not able to submit their asylum applications 24/7; rather, they are restricted in applying on Monday, Wednesday and Friday from 9 a.m. to 1 p.m. Taken that the provision of reception conditions is inextricably linked with the submission of an asylum application, this results in delays in having access to reception conditions, which for particularly vulnerable groups such as unaccompanied minors, families with minor children etc is a very serious concern.

A further significant issue is the type of and access to material conditions. Asylum seekers are required to submit an application to the Social Welfare Services (SWS) in order to benefit from material conditions, in case there is no available space at the Kofinou Reception Center.³⁵ Until their application is examined, there is no effective and practical mechanism that would allow them immediate access to material reception conditions. This process is often then followed by a laborious procedure in trying to find other agencies involved, with no information as to how to go about completing the process. For example, the asylum seekers who are newcomers in the country, are required – among other things – to turn up at the public hospitals for the necessary medical exams to be conducted. However, they are given no information regarding which hospital they can visit for the exams, the times they can be accommodated (07:30 – 09:30), how they can get to the hospital, or that in order to carry out these necessary exams, they will be asked to present documentation that they do not have.

Another major issue is the asylum seekers' accommodation. Despite the fact that it is the Asylum Service's responsibility, in cooperation with the SWS, to find an accommodation for asylum seekers wherever there is no place at Kofinou Reception Center, in practice asylum seekers bear the whole responsibility of finding a place to stay. This practice requires asylum seekers to present a stamped lease agreement for their rent to be paid, overlooking the fact that applicants do not have the resources to prepay a guarantee and monthly rents

³⁵ For more information on the problems of the Reception Center please refer to this link: <https://goo.gl/DNSx5q>

for two and three months before they actually get reception conditions by the SWS. The problem is exacerbated at the occasion where an asylum seeker who was immediately detained upon their arrival, can, in essence, be left stranded in case they are released.

KISA also points out that for asylum seekers whose case is pending in the Administrative Court or have submitted a subsequent asylum application, but were in the meantime arrested and detained in the Menoyia Detention Centre, on the grounds that they're 'illegal immigrants', a whole other cycle of problems starts in their attempt to have their status as asylum seekers recognized. This is due to the fact that, only until recently with the amendment of the Refugees' Law, asylum seekers were only recognized as such as long as their case was pending to the Reviewing Authority of Refugees. KISA considers that, despite the amendment of the Law, this is a practice that is likely to continue.

Regarding the 'coupons' system, KISA is concerned that the system remains largely unchanged. The provision of material reception conditions, especially regarding clothing, footwear and food, is provided to the asylum seekers in the form of coupons. However, these particular coupons are only valid for particular shops where most times the available items are much more expensive than most supermarkets, so the market value of the coupons does not correspond to their nominal value. Furthermore, the stores in question are located quite far from the place of residence of the asylum seekers and as such, further problems and hassle are created in trying to get to them. At the same time, the fact that there is an upper limit to the value of the coupons given to asylum seekers creates problems, particularly for families with many members since they cannot secure decent living conditions, or even fulfill the basic human needs for food, clothing, and housing. Most importantly, the level of support provided either for the housing needs of asylum seekers, for utility bills and for all their other basic needs which are provided in coupons is much lower than the level of support provided to Cypriots and EU national under the minimum income scheme on the basis of the Law on Minimum Income, even though the support purports to cover the same needs i.e. basic needs. There is not any objective justification of the different levels of support to asylum seekers and Cypriots and therefore this is in KISA's view direct racial and/or ethnic discrimination.

On another issue, according to NGOs' experience, there has not been a single decision acknowledging the vulnerability of an asylum seeker. The Refugee Law provides that the Asylum Service and all other competent authorities responsible for the implementation of the Refugee Law have the obligation to take into account the special situation and circumstances of vulnerable persons, such as, amongst others, persons who have been victims of torture, rape, or other serious forms of psychological, physical or sexual violence. However, there are no implementing provisions of this general principle and in fact it remains an obligation in law and in theory, with no corresponding implementing measures in practice. The situation worsens in light of the fact that shelters for women facing domestic violence are not accessible to undocumented migrants or asylum-seeking women victims of domestic violence.

KISA has reported to the competent authorities at least two incidents of violence against women, both of them of African descent and members of single parent families, in the Reception Centre. One incident relates to sexual harassment of two underage girls and it was reported to the police station in Kofinou, but no action was taken. The second incident concerns a threat to a woman's life and it was reported to the police by KISA, but no action was taken again. Transphobic and homophobic violence against trans women in the center has also been reported to KISA. Such incidents are alarming as they are conforming existing concerns regarding the safety of vulnerable groups in the Center. Particularly troubling is the mishandling of such incidents by competent authorities and services, which either equate victims and perpetrators or protect the perpetrators. Therefore, victims and all vulnerable persons who are potential victims are left unprotected and exposed to violence. Moreover, it is troubling that the administration of the Center with the decisions it takes seems to strengthen rather than to confront the causes of such violence. Moreover, Asylum seeking women residing in the center Kofinou Reception Centre for Asylum Seekers in Kofinou and who are victims of gendered based

violence, including domestic violence, have been left without any appropriate support amidst indifference of the authorities, which often protect perpetrators pressuring victims to stay with and/or return to them, as they are given no alternatives. In general, women and other vulnerable persons (disabled persons, LGBTIQ* persons) are extremely exposed to violence in the centre.

KISA is currently dealing with the case of an asylum seeking unaccompanied girl, who is pregnant and has been denied access to abortion, despite her expressed will that she did not want to have the baby for various reasons, including the problems she would face with her family. According to the law, the legal guardian of unaccompanied minors is SWS. As soon as the girl realised she was pregnant, she asked SWS to have an abortion. Although the girl was very clear with her decision and the reasons of her decision could legally justify her having an abortion, SWS refused her access to abortion services until it was too late to have an abortion anymore. Moreover, the girl, who is currently 20 weeks pregnant, was never referred to a psychologist and was not adequately informed of any health/ medical procedures. She visits a gynaecologist and a social worker of SWS accompanies her in such visits, but she speaks no English/ Greek and there is no interpreter during such visits, except when another unaccompanied girl, who is from the same country of origin and speaks English, is asked to go with them.

Paragraph 18 : Citizenship

The Committee recommends that the State party respect the right to nationality without discrimination and ensure that no particular groups of non-citizens are discriminated against with regard to access to naturalization. The Committee requests the State party to include in its next periodic report statistical data on naturalization requests and decisions thereon disaggregated by ethnic group, sex, length of residence in the State party, and any other relevant criteria. The Committee also requests the State party to include in its next periodic report information on how nationality laws and regulations are applied to those who are in the occupied territories.

Suggested grade by the civil society organization

34. Any measures taken in accordance with the recommendation, and its effects

The Government does not mention any measures taken in relation to the Recommendation of the Committee and does not provide any of the information requested because in fact no measures were taken, apart from the amendment of the Civil Registry Law to the effect mentioned further below in relation to the spouses of Cypriot citizens. As reported in the Alternative Report of KISA of 2013, the right to nationality is severely restricted by the authorities. Migrants have the right to apply for naturalisation either if they have completed seven years of legal residence in the Republic, or if they are married to a Cypriot citizen for at least three years. There is a long waiting period for the examination of applications (six to seven years for those who apply under the first category, and about three years for those applying under the second category). During this period, applicants under the first category are often denied renewal of their residence permit, while applicants under the second category are fully dependent on their spouse's permission in order to renew their residence permit. In practice, applications for naturalisation, especially under the first category, are in their overwhelming majority rejected.

Turkish Cypriot children born out of mixed marriages between T/C and nationals of other countries, predominantly Turkey, are discriminated against as regards their right to be registered on the basis of their origin as Cypriot citizens, when their non- Cypriot parent entered or resided illegally in Cyprus. These children can only be registered on the basis of the discretionary powers of the Council of Ministers. The only development in relation to legislative measures was the amendment of the Civil Registry Law, to the effect that naturalisation of spouses of Cypriot citizens who enter or remain illegally in Cyprus is no longer excluded in

absolute terms but this is now subject to the discretion of the Council of Ministers, in the same manner this applies to T/C children, as mentioned above. However, the criteria on the basis of which such discretion is exercised are unknown. Children of stateless parents remain stateless, even when they are born in Cyprus, as they are denied the Cypriot citizenship. Cyprus has not ratified any of the international conventions relating to issues of nationality and statelessness. In a nutshell, access of migrant to naturalisation is in the vast majority of cases impossible, unless they have enough money or investments in Cyprus.

35. Any measures taken that contradict the purposes of the recommendation

In the case 95/13 before the Administrative Court, which related to the rejection of the registration as a Cypriot citizen of a person born to a Turkish Cypriot mother and a Turkish father in 1979 in the non-government controlled areas, the Government defended the position that the non-registration as Cypriots of children of Cypriot citizens of Turkish origin in mixed marriages with Turkish nationals, was not discriminatory and it was justified in view of the circumstances prevailing in the country and its division. On 15/2/2017, the Court decided that neither the exception to the rule that a person born to a Cypriot parent is by virtue of its origin a Cypriot citizen, in the cases where the other parent entered or remained illegally in the country nor the criteria upon which the discretion of the Council of Ministers is exercised were discriminatory. According to the Court, the state had the right to limit registration rights of those persons on grounds of public interest and public security. In addition, according to the Court, the situation of those persons is different than the one of persons whose parents legally enter or reside in the Republic as a result of which the two situations cannot be compared for the purpose of violation of the principle of equal treatment.

It is emphasised that the criteria on the basis of which the Council of Ministers exercises its discretion are the following: Citizenship may be granted to

1. children born **on or before 20.1.1974**
2. children whose one parent is **not a Turkish national** but a national of another country (EU citizen or a national of a different country with which the principle of reciprocity applies)
3. children whose parents were married abroad or in Cyprus any time **before 20.7.1974**
4. children **whose Turkish Cypriot father or mother had a relationship with a Turkish national** not related in any manner to the events of 1974 (due to studies or employment outside Cyprus)
5. children whose parents live in the mixed village of Pyla

It is clear that the above criteria target specifically and directly children of Turkish Cypriot and Turkish parents, and therefore there is a direct reference to their national or ethnic origin, whereas the reference to the events of 1974 can only involve Turkish Cypriot and Turkish parents, as at the time of the 1974 conflict in Cyprus the only actors involved in the conflict were G/C, T/C as well as Greece and Turkey and therefore Greek and Turkish nationals.

The Committee is kindly informed that there is at least another case with the same subject matter pending before the Administrative Court, in which the Government has the same position as above.

36. Current status of the problem (especially changes after the adoption of concluding observations)

The current status of the problem remains essentially the same as in the previous reporting period. Access to nationality of migrants and refugees has not been facilitated at all by the Government. It is pointed out that in exceptional cases and only after groups of refugees staged protests, including long hunger and thirst strikes, the Ministry of Interior (MoI) eventually approved a handful of citizenship applications to persons with international protection status, as a result of the pressure put on the Government to eventually recognise the right to nationality as a means of full integration in the Cypriot society for persons with international protection

status.³⁶

However, this policy of the MoI is now been reversed, after the recent denial of citizenship to a family of stateless Kurds from Syria (Ajanib) with international protection status, who staged a protest in front of the MoI, on unknown and/or completely unjustified grounds, which prove that the sole reason of the rejection of their application was to punish them for exercising their right to protest. After this development, four NGOs, including KISA³⁷, sent a joint letter (11/04/17)³⁸ to the MoI in an effort to mediate so as to resolve the longstanding problems faced by the said refugees. In the joint letter, the group of NGOs state that the rejection decision dated 27/03/17³⁹ needs to be reviewed, from both the legal and also the humanitarian perspective, call on the Ministry to proceed to their reexamination.

Further, the reversed policy of the MoI is also evident from the fact that so far all applications for citizenship submitted by the refugees who protested outside the House of Representatives from September to December 2016, have been rejected.⁴⁰

KISA acknowledges that the recent decision of the MoI to accelerate the examination of all pending applications for citizenship within the next few months is a positive step. Based on this decision, several migrants who are members of Cypriot families have already gained access to citizenship. According to official information, the Ministry has proceeded to this measure in order to reduce the number of the pending applications. Nonetheless, unofficial sources report that the main reason for the mass examination of citizenship applications is related to the negotiation process between the two communities. As reported by these sources, the government proceeded in this measure in an attempt to reduce the number of pending applications for citizenship prior to the discussion of the chapter regarding the federal state's population composition.

We do, however, express our deep disappointment with the fact that the MoI did not consider it necessary to publicise its intention about the immediate examination of all the pending applications. This lack of transparency leads to situations of abuse by those who promise to end the long-term waiting of those eligible in exchange of many thousands of euros, depending on the case and the financial situation of the person in question. In fact, KISA is in possession of a voice recording, in which a person who is presented as a 'consultant' asks the details of a migrant in order to 'check his file at the Ministry, within a day', so that he will be in a position to let him know how much his services will cost.⁴¹

Paragraph 19 : Economic, social and cultural rights of vulnerable groups

In accordance with paragraphs 10 to 12 of its revised reporting guidelines (CERD/C/2007/1), the Committee recommends that the State party provide information on the composition of its population, disaggregated by national and ethnic origin, as well as statistical data on the socioeconomic situation of the various groups, to enable the Committee to evaluate the level of protection of their rights, including economic, social and cultural rights, under the Convention. The Committee also draws the attention of the State party to its general recommendation No. 24 (1999) on reporting of persons belonging to different races, national/ethnic groups, or indigenous peoples (article 1).

³⁶ See the relevant campaign: <https://goo.gl/4AEXHo>

³⁷ For a relevant press release please see: <https://goo.gl/7H00pv>

³⁸ For the letter please see: <https://goo.gl/8HePCv>

³⁹ Please see the decision: <https://goo.gl/qyaaNm>

⁴⁰ For more please see: <https://goo.gl/4171uu>

⁴¹ Please see a relevant press release: <https://goo.gl/EYSAS1>

Suggested grade by the civil society organization	
37. Any measures taken in accordance with the recommendation, and its effects	
The Government in its latest report does not provide such data and no such data exist according to our knowledge.	
38. Any measures taken that contradict the purposes of the recommendation	
39. Current status of the problem (especially changes after the adoption of concluding observations)	
The Republic of Cyprus does not provide satisfactory data on the composition of its population, disaggregated by national and ethnic origin, as well as statistical data on the socioeconomic situation of the various groups. In its 2016 Report, the only data that the Government refers to is a table outlining the ethnic origin of complainants who have reported incidents and/or Cases of Racial Nature and/or with Racial Motive during the years of 2005-2014. KISA considers the lack of comprehensive data to be a major drawback in combatting discrimination. Without quantitative and qualitative data of various groups, the latter remain invisible to the eyes of the policy makers, law enforcement agencies and society in general, and as a result, tackling discrimination becomes impossible. In short, KISA adopts ENAR's position⁴² on the importance of equality data collection, so as to effectively tackle discrimination. The low number of reported incidents and cases of racial nature - only 183 cases reported in 9 years - referred to by the Government in its report, confirms that discrimination is not adequately addressed in the Republic.	

Paragraph 20 : Migrants	
The Committee recommends that the State party step up efforts to protect the rights of migrants by combating racial stereotypes and discriminatory attitudes, including through awareness-raising campaigns, and by enforcing legislation against racial discrimination in all fields of public life. The Committee calls on the State party to include specific action to that effect in the 2013-2015 National Action Plan for the integration of third-country nationals legally residing in Cyprus. The Committee draws the attention of the State party to its general recommendation No. 30 (2004) on discrimination against non-citizens.	
Suggested grade by the civil society organization	
40. Any measures taken in accordance with the recommendation, and its effects	
Although the Government in its 2016 Report does refer to an updated National Integration Plan NAPITCNLRC for 2014-2016, no such plan has ever been published, as attested to by the lack of any reference to it on the website of the competent government department.⁴³ The first National Action Plan for integration of migrants and refugees for the period 2010-2012 was adopted in October 2010 and based on <i>"a positive approach to long-term legal migration and a positive perspective of the multicultural nature of Cypriot society"</i>⁴⁴. Since the change of government in early 2013, the Cypriot	

⁴² For example see: <http://www.enar-eu.org/Equality-data-collection-matters>

⁴³ Please see http://www.moi.gov.cy/moi/eufunds2015.nsf/page05_en/page05_en?OpenDocument

⁴⁴ Ministry of Labour, *Integration of Migrants (in Greek)*. Available at <http://www.moi.gov.cy/moi/moi.nsf/All/9EAA3359F4104437C2257AA8003A37A0>

authorities have approached integration from a totally different perspective. Instead of the Special Committee of Experts that previously had a critical role in advising the government on the issue, integration is now part of the tasks of the European Funds Unit of the Ministry of Interior, which is responsible for the management of, among others, the Asylum, Migration and Integration Fund. Instead of a national plan, integration is now part of the National Programme AMIF⁴⁵. The few paragraphs dedicated to integration are very indicative of this changed approach: “The main needs ... include the excess administrative burden of the Civil Registry and Migration Department in meeting the needs of TCN, the attitudes faced by TCNs such as lack of educational programmes.” Combating discrimination is only alluded to under the programme objective “Improvement of acceptance of TCNs by the local society” and the programme priority “Raising awareness in the receiving society”, while racism and the need to combat it receive no mention at all. Also indicative of the change in the government’s approach to integration is its share of the AMIF budget: With 25%, integration receives the lowest percentage of the budget (36% for Returns and 32% for Asylum). It is clear that the current Cypriot authorities approach integration from a very narrow perspective and not as a two-way process of understanding and respect of the rights of all, exchange and consultation, inclusion and enriching of the whole society, free of discrimination and racism.

Regarding the enactment of the Equal Treatment Regardless of Race or Ethnic Origin in Employment Law (L.59(1)/2004), KISA invites the Government to provide statistics in terms of the cases actually reported, and the cases actually being litigated, and with which result, since the enactment of this Law.

Similarly, the fact that the Government only mentions the statistics for 2013 for the enforcement of Anti-Racism legislation, which KISA considers a low record in comparison to what is actually being reported, is again indicative of the limited use of this measure.

41. Any measures taken that contradict the purposes of the recommendation

42. Current status of the problem (especially changes after the adoption of concluding observations)

In terms of the Government’s response regarding Article **5 – Enjoyment of rights without discrimination**, KISA would like to make the following remarks on the current situation.

a) The right to equal treatment before tribunals and all other organs administering justice

In relation to every person arrested by the Police being informed of their rights, in KISA’s experience this is rarely applied in practice. Furthermore, in relation to the informative document ‘Rights of Arrested and/or Detained Persons’, no such document is given to arrested persons in KISA’s knowledge. The only available document is the one informing the detainees of the rights as detainees.

Regarding the training of high-ranking Police officers, referred to in paragraph 56 of the Government’s 2016 report, KISA would like to comment that despite an agreement with the Chief of Police, KISA was not included in the trainings. This would have provided an opportunity for the Police to have an NGO’s perspective and have a more comprehensive and meaningful training.

KISA would also like to address certain of the Government’s responses in relation to the length of detention of migrants. Firstly, in KISA’s experience, despite the legislative provision of revision of a person’s detention, either a third country national or an EU national, this rarely happens in practice. As a result, the situation is usually that detainees are detained for periods exceeding 10 months. As for the

⁴⁵ European Funds Unit, Ministry of Interior. Available at http://www.moi.gov.cy/moi/eufunds2015.nsf/page05_en/page05_en?OpenDocument

Government's position that the prolonged detention is due to lack of cooperation, KISA would like to point out that the authorities' practice is that they ask detainees whether they would like to cooperate in order to issue travel documents to be deported, or alternatively, the authorities detain persons on the pretext that travel documents take a lot of time to be issued. Such practices are not in accordance with Article 5 of the European Convention on Human Rights, and this was confirmed by the European Court of Human Rights.⁴⁶ In case a detainee is ultimately released, more often than not the authorities fail to assign them a status, leaving them in limbo. As a result, the detainee might be arrested again for being undocumented. Despite the fact that the Government refers to several rights of detainees, KISA contends that access to those rights is not effective. Further information on this point can be found in KISA's most recent report submitted to the Council of Europe's CPT - Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.⁴⁷

b) **The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution**

Regarding ill-treatment allegations by detainees, KISA would like to stress the condemning recent case of the European Court of Human Rights, *Thuo v Cyprus*, whereby the ECtHR condemned the ineffective response of the Cypriot authorities (the Ombudsperson, the Independent Authority for the Investigation of Allegations and Complaints Against the Police - "IAIACAP", and the Attorney General), in relation to their investigation into Mr Thuo's complaints. The ECtHR's decision also found against the Cypriot government in relation to Mr Thuo's conditions of detention while he was held in Block 10 of the Central Prison.⁴⁸ Furthermore, KISA also responds that the practice of examination of a complainant is usually surrounded by and takes place in an environment of blackmailing, revengeful tactics and false promises of release from detention centers in exchange for the withdrawal of one's complaint. Further to that, KISA stresses that the examination by a forensic pathologist is rarely applied.

Regarding the Complaints Committee of the Menoyia Detention Centre, KISA's latest update on the issue was that the president of that Committee had in fact resigned, as a result of which the Committee had ceased to function properly and address detainees' complaints.

Regarding the 'Training of public officers (medical workers, psychologists, etc), KISA would like to highlight the inadequacy of such training, through one particular case of an applicant of international protection, who is also a detainee in the Central Prison, pending the final decision on an extradition request.

c) **Economic, Social and Cultural Rights**

In response to the Government's statements regarding the new emergency open Reception Centre for temporary accommodation, KISA reports that a new 'centre' is operating at Kokkinotrimithia, named 'Pournara', which is used for the accommodation of newly arriving refugees. However, we would like to point out that Pournara's status must be clarified as well as the legal framework that governs it. If indeed this camp functions as a place that covers the basic needs of primary reception of refugees, rather than as a rescue centre, then the unhindered access of asylum seekers to their rights must be safeguarded, including their freedom of movement. It is worth mentioning that, according to the legislation, asylum

⁴⁶ J.N. v The United Kingdom Application no. 37289/12, Judgement 19 May 2016, paras 102 - 108

⁴⁷ Report submitted by KISA to the Council of Europe's CPT, January 2017: <https://goo.gl/QuKcyN>

⁴⁸ <https://kisa.org.cy/the-ecthr-slams-cyprus-independent-authorities-failure/>

seekers are either transferred to the Reception Centre in Kofinou or are immediately provided with the necessary material support by the Social Welfare Services.⁴⁹

As for the centre 'Home for Hope', which is in fact a hostel, in KISA's experience this is currently operating only for boys. Moreover, KISA is concerned about the fact that unaccompanied girls are housed in the shelter for victims of trafficking, since obviously, the needs of the two groups differ widely and must be addressed differently. The Government has decided that Cypriot children and refugee children should be hosted separately. Children are also separated in youth hostels according to the gender they have been assigned at birth. As a result, boys are usually taken to the 'Hope for Children' hostel in Nicosia and if this is full, then to the state run youth hostel in Larnaca. Girls are either hosted in the state-run youth hostel in Larnaca or the shelter for victims of trafficking in Nicosia. This is of course a racist as well as sexist separation. Moreover, trans children are not even recognised to exist in this policy. Regarding the youth hostels run by the Social Welfare Services, the lack of translators/ interpreters in these establishments is again a problem. Children are not allowed to change or adapt their rooms as they wish, for example with posters, furniture, etc. There have been complaints about the food provided and regarding staff behaviour, which has been reported as racist at instances towards refugee unaccompanied minors. The compulsory geographical separation of refugee unaccompanied minors is also of concern, especially in cases of refugee unaccompanied minors who are siblings but of different gender and they are forcibly separated, sometimes without even an explanation.⁵⁰

As for the right of refugees to education, and in particular their right to university education, for which the Government claims that it pays their fees, KISA would like to highlight that there are in fact public universities do not charge any fees. The Government will have to elaborate on this position.

Moreover, KISA would like to again emphasise the problematic mechanism of the labour dispute system for migrants. In particular, KISA refers to the extremely unfair system of resolution of labour disputes between migrants and their employers, which is a completely different system than that applied for Cypriots and EU nationals. The only reporting mechanism, other than the Labour Court, available to migrants in order to claim their rights, whatever the nature of the complaint, is through the Department of Labour Relations (under the Ministry of Labour, Welfare and Social Insurance, and subsequently through the Labour Disputes Committee (under the Civil Registry and the Migration Department and comprising a representative each of the Labour Relations Department, the Director of Civil Registry and Migration Department and the Aliens & Immigration Department of the Police). Since the submission of KISA's Shadow Report in 2013, where the unfairness of this mechanism is reported in detail⁵¹, this mechanism remains the same. Some of the major shortcomings of this mechanism are the absence of qualified translators, the fact that even if the employer is found to have breached a migrant's rights the latter will still be ordered to leave Cyprus at once, and generally that this whole procedure is still unregulated. For more details on how this system works please refer to KISA's Shadow report in page 60.⁵² Further, despite the fact that third-country migrants are amongst the groups of employees who regularly pay their statutory contributions to the Social Insurance Fund, they are in practice excluded from all major benefits under the Fund, most notably those of unemployment benefit and pension. In their

⁴⁹ For more information on the Pournara center please the report submitted by KISA to the Council of Europe's CPT, January 2017: <https://goo.gl/QuKcyN>

⁵⁰ Please see: <https://goo.gl/QuKcyN>

⁵¹ Please see: <https://goo.gl/MgVgfZ> Page 59 - 60.

⁵² Please see: <https://goo.gl/MgVgfZ>

overwhelming majority, third-country migrants are excluded from pension rights as successive governments have neglected and/or refused to conclude bilateral agreements between Cyprus and the countries of origin of migrants. In addition, the institutional discriminatory regime of the migration system in place in Cyprus also excludes third-country migrants from unemployment benefit because losing their job almost automatically leads to their having their residence permit revoked, which leads to irregular migration status with all that it entails. With their exclusion from these basic labour rights, third-country migrants in effect subsidise the social insurance system of Cyprus.

Paragraph 21 : Domestic workers

The Committee urges the State party to ensure effective protection against abuse, exploitation and unequal work rights, including by:

- (a) Ensuring that the working conditions of domestic workers are monitored by the labour inspectorate;
- (b) Allowing domestic workers to change employer during the validity of their residence/work permits;
- (c) Amending several provisions of article 2 of the standard contract of employment of domestic workers in order to prevent forced labour, and guarantee their right to just and favourable conditions of work and the freedom of association.

The Committee also calls on the State party to act upon the recommendations of the Ombudsman, as contained in the July 2013 report on conditions of domestic workers in Cyprus, and recommends that the State party ratify International Labour Organization (ILO) Convention No. 189 (2011) concerning decent work for domestic workers.

Suggested grade by the civil society organization

43. Any measures taken in accordance with the recommendation, and its effects

KISA acknowledges that the changes included in the Government's 2016 Report regarding the extension, from 4 to 6 years, of the period of residence and employment permits for migrant domestic workers (and other workers in agriculture and animal farming) is a positive step, which opens the door to the long-term residence status. The Supreme Court⁵³ has ruled in favour of a migrant domestic worker's appeal against the CRMD's decision to reject her application for long-term residence status.

The Government reports the amendment of the Private Employment Agency Law, under which the criminal record of the applicant is examined, in order to safeguard that the persons involved in the operation of such agencies, have not been convicted for offences, such as sexual exploitation, THB or any other serious criminal offence. However, under-reporting of abuses remains an issue of concern, and as a result this mechanism cannot be considered an effective mechanism of tackling the issues of abuse, exploitation and unequal work rights. Further to that, in KISA's experience all these offices have proxy agents who are exploiters, corrupted and traffickers. As a result, it seems that there are no measures to combat exploitation by 'non-licensed' and proxy agents. For this particular issue, please see KISA's relevant press release.⁵⁴

The Cyprus Government has not taken any steps towards the ratification of the ILO Convention 189/2011 on decent work for domestic workers.

⁵³ Supreme Court, Appeal Procedure, *MPB v Republic of Cyprus, through the Minister of Interior in his capacity as First Immigration Officer*, No. 1877/2012, 22/12/2015 (in Greek). Available at: http://www.cylaw.org/cgi-bin/open.pl?file=/apofaseis/aad/meros_4/2015/4-201512-1877-12.htm

⁵⁴ Please see: <https://goo.gl/u53cUA>

44. Any measures taken that contradict the purposes of the recommendation
45. Current status of the problem (especially changes after the adoption of concluding observations)
Regarding the issues addressed in this particular paragraph, KISA would like to highlight the issues below. a) Ensuring that the working conditions of domestic workers are monitored by the labour inspectorate; Employment contracts are still issued by the Civil Registry and Migration Department, under the Ministry of Interior, as opposed to the employment contracts of migrants in all other employment sectors that are issued by the Ministry of Labour, Welfare and Social Insurance. Further, KISA reports that the Department of Labour Inspection still does not correspond to calls and complaints made from migrants regarding their workplace. b) Allowing domestic workers to change employer during the validity of their residence/work permits; Regrettably, KISA highlights that the interconnection between residence and employment permits and the resultant violations of human and labour rights leads to many migrant women experience trafficking (mainly for sexual and/ or labour exploitation)⁵⁵. Despite the Government's claims regarding the right to change employers, in practice this right is restricted in most cases. First, of all, they can only change employer if their current employer agrees to sign the so called "release paper". Even then, this right is dependent on the absolute discretion of the administration, which in the majority of cases sides with the employer in cases of violations of the contract and/or the human and labour rights of the complainant migrant women or even in in cases of abuse and violence, including sexual harassment and rape. The employer, on the other hand, can at any moment terminate their employment contract, often without informing them, and without any consequences, while migrant women are subject to arrest, detention, and deportation when their legal migration status is revoked. This ultimate dependence on the employer renders migrant women very vulnerable to extreme exploitation and/or labour trafficking. c) <u>Amending several provisions of article 2 of the standard contract of employment of domestic workers in order to prevent forced labour, and guarantee their right to just and favourable conditions of work and the freedom of association.</u> The employment contracts of migrant domestic workers continue to contain very discriminatory and exploitative conditions and terms. Domestic workers are still explicitly and by contract not allowed to engage in any political activity. KISA adopts its position on these issues, as described in detail in its 2013 shadow report.⁵⁶ (For the particular issue of migrant domestic worker's contract and terms and an analysis on this issue please refer to pages 59 - 64 of the said Report. Regarding the deprivation of their right to freedom of association please refer to Page 53 of KISA's report.)

⁵⁵For more please see "KISA, *Mapping Out the Situation of Labour Trafficking in Cyprus*, December 2014": <https://goo.gl/Zg7Dlx>

⁵⁶ KISA's Shadow Report can be found here: <https://goo.gl/MgVgfZ>

Paragraph 22 : Education on tolerance and understanding of cultural diversity		
Noting the State party's response to racist incidents in schools, including the dispatch of multidisciplinary teams to provide immediate assistance to schools concerned and the provision of psychological support to vulnerable children, the Committee calls on the State party to ensure that measures are also taken with a view to creating an environment of tolerance and understanding of cultural diversity in schools as well as in the society at large. The Committee also recommends that the State party conduct surveys on the society's perception of cultural diversity and act upon the findings.		
Suggested grade by the civil society organization		
46. Any measures taken in accordance with the recommendation, and its effects		
KISA recognizes that in recent years there has been an effort by the Ministry of Education to implement anti-racist actions in schools. Indeed, in 2016, KISA participated in at least three events against racism that took place in schools. However, such actions are not implemented in a systematic way and their implementation is usually at the discretion of schools' administration.		
47. Any measures taken that contradict the purposes of the recommendation		
KISA highlights the fact that the current administration has been playing a dangerous game of balancing act, oscillating between a culture of peaceful coexistence and one of nationalism. Unfortunately, the specific doctrine and its exponents have found education to be an easy field for its practical application. For example, in the current school year of 2016-2017, the Ministry of Education has set two paradoxical and mutually exclusive goals: the cultivation, on the one hand, of students' awareness in relation to racism and, on the other, the enhancement of national identity through "lessons from the struggles for freedom of (Greek) Cypriots".		
48. Current status of the problem (especially changes after the adoption of concluding observations)		
In the Cyprus state report 2016 (paragraph 97), the government provides numbers concerning school dropouts to support the argument that the goal set by the Ministry of Education has already been achieved. However, no data are provided for the vulnerable groups and more specifically about dropout rates of migrant and refugee children from As far as refugee children are concerned, KISA observes that the competent authorities (Ministry of Education, and Ministry of Interior) treat refugee children in school as temporary visitors. Based on this approach, the integration of these children into the school environment seems unnecessary and thus, there are no essential and effective programmes to integrate them into education and the school environment. As a result of this practice, the overwhelming majority of refugee children in high school do not complete secondary education, since they feel rejected by their very school and, the educational system in general. KISA is aware that at least in the Kofinou high school, attended by refugee children, there are considerable problems and challenges. In order for these problems to be identified and addressed effectively, we believe that the government must at least collect and publish relevant data. Further, the government refers (paragraph 97) to the Zones of Educational Priority (ZEP) programme which, among others, aims to support the population living below the poverty line or at risk of poverty and social exclusion and to reduce early school leaving, but without clarifying whether migrant and refugee children are included in the vulnerable school population and how they are supported, if at all. Although refugee students are eligible to apply for a state subsidy for each year of their studies (up to 3500 euro)⁵⁷, it is noted that, according to the relevant law, "students" are defined as "Cypriot citizens or citizens of other EU countries who are permanent residents of the RoC". As a result, third-country migrants and students with international protection, regardless of whether they meet all the criteria for the subsidy, are excluded,		

⁵⁷ For more please see: <https://goo.gl/2ZZHOQ>

despite the fact that according to the Refugee law, refugees have the same rights with Cypriot Citizens. Similarly, the vast majority of Turkish Cypriots cannot apply for the subsidy, given that they do not meet the criterion for “permanent residence of their family in the areas controlled by the RoC, for at least 50 months in a 5-year period before the submission of the application”.

Further, KISA highlights the fact that the hostile climate that has been cultivated in recent years against migrants and refugees and the increasing influence of right wing extremist and neo-Nazi groups has a direct negative impact on education. Based on this reality, the need for effective tackling of bullying/violent incidents against migrant and refugee children in schools is of paramount importance. The cases below, handled by KISA, are presented as examples of racism in schools and the failure and/or unwillingness of the authorities to cope with such incidents effectively.

- A 13-year old girl (R.M), who is temporarily hosted at the Teenage Welfare Services hostel in Nicosia, has been experiencing systematic intimidation at school by three students (boys). On 7/2/2017, these three students abused R.M. verbally and physically, who was taken to the First Aid Department of Nicosia General Hospital with broken lips. Accompanied by a social worker, R.M. submitted a complaint about her abuse to the Police. Although, according to our information, a police officer conducted the youth hostel and spoke with the staff to advise R.M. to withdraw her complaint. The handling of R.M.’s complaint by the police indicates the framework within which the system works. As in this case, where the effort of the police aimed at protecting the perpetrators instead of the victim of the abuse. Beyond the unacceptable stance of the police, KISA expresses concerns about the systematic intimidation and abuse of R.M. in the school environment and the lack of any measures from the school administration to handle appropriately the case. Additionally, concerns are raised about the inadequacy of the Welfare Services to safeguard the interests of the child under their protection. KISA submitted a complaint about the above incident to both the Commissioner for Children's Rights and to the Commissioner of Administration and Human Rights.
- On 02/11/16, there were clashes at Lefkara High School between Greek Cypriot students and of refugee children hosted at the Asylum Seekers’ Reception Centre at Kofinou. The specific conflict began when a Greek Cypriot student “was disturbed” because a fellow student of Arabic origin “looked at him in a strange way”. Initially, the incident was reported by a student to a teacher who, however, did not take the required measures to diffuse the situation. Instead, the management called in the police to resolve the issue once the situation had deteriorated severely. After this conflict, the school management, having communicated with the Department of Secondary Education, “solved” the “problem” by temporarily and “indefinitely” expelling all refugee children from school, regardless of whether the children participated in the incidents or not. This decision, apart from imposing collective punishment where individual responsibilities could have been apportioned to the children involved in the conflict, perpetuates the racist segregation of children based on their ethnic origin, their place of residence and their residence status in the country. It also collectively prevents children – based on their ethnic origin and their legal status – from exerting and accessing their right to education, as it is defined by the Convention for the Rights of the Child.⁵⁸
- A 17 years old asylum seeker (Y.M.) was excluded from access to education after the Asylum Service decided that the said person is not a minor but an adult. KISA challenged the decision of the Asylum Service and since then we have been working towards the reintegration of the child in question in the education system. In this framework, we have been informed about the development of a programme by the Ministry of Education aimed at reintegrating children into the school environment. However, participation in this

⁵⁸ For more about the incident please see: <https://goo.gl/heuTX1>

programme requires excellent knowledge of the Greek language, which in fact makes the participation in it of refugee and migrant children almost impossible.⁵⁹

Paragraph 23 : National human rights institution

The Committee calls on the State party to guarantee the full operational independence and financial autonomy of the Ombudsman and to ensure that it is fully compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles, General Assembly resolution 48/134, annex). The Committee also recommends that the State party seek accreditation by the International Coordinating Committee of National Human Rights Institutions.

Suggested grade by the civil society organization

49. Any measures taken in accordance with the recommendation, and its effects

50. Any measures taken that contradict the purposes of the recommendation

In the twenty-third and twenty-fourth periodic report (paragraph 27), the government refers to the function of the Office of the Commissioner for Administration and Human Rights, focusing on the fact that the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) – Subcommittee on Accreditation (SCA), during its session of 16 to 20 November 2015, accredited the Office of the Commissioner for Administration and Human Rights which with B Status.

The SCA made five specific recommendations, including for safeguarding the transparency of the process for selection and appointment of the Commissioner.

Despite the Committee's suggestions for the adoption of a transparent and meritocratic way of appointing a Commissioner, the President of the RoC proposed, in March 2017, for the position of the new Commissioner Mrs Maria Stylianou-Lottides, a person who does not have the required technocratic, administrative and other competencies, nor does she seem to have excelled at or to be have engaged or exhibited any interest so far for all or any of the many and complex areas with which the institution of the commissioners deals.

After the proposal of the President, there was an outcry in the society due to rumors that the appointment was made to serve political interests rather than the institution as such. Immediately after the disclosure of the President's intentions, nine NGOs engaged with human rights issues, including KISA, took a clear position against the appointment of the said person. The NGOs also initiated a petition against the specific appointment⁶⁰ and sent a letter to the political parties and MPs, asking them to reject the proposed nomination by the President so that the Council of Ministers would need to review its decision and nominate another person for the position.

Despite the reaction of the NGOs, in a tight vote, the appointment of Maria Stylianou-Lottides to the post of the Commissioner for Administration and Human Rights, was ratified by parliament on 31 March 2017. The proposed placement was voted by 24 MPs; 22 voted against, and 4 abstained.

⁵⁹ Please see: <https://goo.gl/XybUBd>

⁶⁰ Please see the appointment: <https://goo.gl/QNtmQ2>

51. Current status of the problem (especially changes after the adoption of concluding observations)
Despite the positive contribution of the Office of the Commissioner for Human Rights and Administration in safeguarding human rights, KISA highlights the fact that the Office of the Commissioner is a one-person centred institution, while the staff of their Office operates essentially as a supporting mechanism for the effective exercise of the Commissioner's duties which, in recent years, have grown substantially (Equality Body, Anti-Discrimination Body, Independent Authority for the Prevention of Torture, Independent Authority for the Promotion of the Rights of Persons with Disabilities, National Human Rights Institution). The fact that the personnel of the Office cannot act autonomously often prevents the institution from fulfilling its mission and role. An example of these challenges is the recent decision of the ECtHR, which slams Cyprus's Independent Authorities' failure to properly and effectively deal with human rights violations. (The case is reported above.)

Paragraph 24 : Ratification of other treaties
Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties which it has not yet ratified, in particular treaties the provisions of which have a direct relevance to communities that may be the subject of racial discrimination, such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
Suggested grade by the civil society organization
52. Any measures taken in accordance with the recommendation, and its effects
KISA is not aware of any measures taken towards this end. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was not signed and/or ratified by the Republic of Cyprus, nor was the Convention on Preventing and Combating Violence Against Women and Domestic Violence.
53. Any measures taken that contradict the purposes of the recommendation
54. Current status of the problem (especially changes after the adoption of concluding observations)

Paragraph 25 : Follow-up to the Durban Declaration and Programme of Action
In light of its general recommendation no. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the Outcome Document of the Durban Review Conference, held in Geneva in April 2009, when implementing the Convention in its domestic legal order. The Committee requests that the State party

include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level		
Suggested grade by the civil society organization		
55. Any measures taken in accordance with the recommendation, and its effects		
The Government submits as measures taken in this respect the National Action Plan against Racism, the Strategic Plan on Equality between Women and Men (SPEWM), and the National Machinery for Women's Rights.		
56. Any measures taken that contradict the purposes of the recommendation		
57. Current status of the problem (especially changes after the adoption of concluding observations)		
In relation to the National Action Plan against Racism, KISA considers that such a Plan is in essence non-existent. The Government in its 2016 Report submits no evidence on the progress of such a Plan, what its outcomes were, what were the specific actions the Government took to implement it, and which bodies the Government had perhaps consulted with in order to draw such a plan. As the whole of this follow up report shows, any measures taken by the Government to address racism are inadequate. Regarding SPEWM, KISA contents that its policies are ineffective towards migrant and refugee women. KISA adopts its position on this matter as elaborated upon in its 2013 alternative Report. Furthermore, KISA is aware that this strategic plan was funded by the Solidarity Fund of the European Union in 2009 (then European Community). In turn, these funds were allocated to local municipalities, and now to private universities. Nonetheless, KISA contents that the failure of the State to allocate an amount of these funds to NGOs who are active in promoting and defending women with a migrant, refugee, trafficking or any other vulnerable status, constitutes a failure on its part to honour its commitments towards the Durban Declaration. As for the National Machinery for Women's Rights, KISA firmly believes that there should at least be a special committee on migrant women, for proper representation of this particular group of women.		

Paragraph 26 : Consultation with civil society organizations		
The Committee recommends that the State party continue consulting and expanding its dialogue with civil society organizations working in the area of human rights protection, in particular in combating racial discrimination, in connection with the preparation of the next periodic report and the follow-up to these concluding observations.		
Suggested grade by the civil society organization		
58. Any measures taken in accordance with the recommendation, and its effects		
As mentioned above, a recent action of consultation and cooperation with civil society organisations was the signing of the Memorandum of Cooperation (MoC) between the Police and 12 NGOs working in the fields of migration, asylum and human rights. Amongst the Memorandum's general provisions is the following: "The contracting parties shall ensure [...] the security of human rights defenders, so that they can exercise their right to freedom of expression, peaceful assembly and association." The Memorandum sought to clarify and provide for issues concerning visits by NGOs to the Menoyia Detention Centre and to police stations where migrants are detained, cooperation for tracking and supporting victims of crimes, trainings of Police members and NGOs,		

provision of support and assistance to detainees by NGOs at detention places, other actions of NGOs such as research, education and cultural actions and exchange of information.⁶¹ KISA considers the conclusion of the Memorandum to be a positive step, although it is concerned about the way some provisions will be implemented. A case in point is the recent attempt to visit the newly arriving refugees from Somalia and Syria. Their arrival was not considered a situation of emergency, resulting in a time consuming effort on KISA's side to find where the refugees were, followed by numerous and unnecessary phone calls and letters to be granted the relevant permission to visit these refugees. KISA considers that this was an emergency whereby a simplest process, which is provided for in the memorandum in cases of emergencies, instead of a three day notice as per the usual method. Consequently, KISA is concerned with the possibility of a strict and bureaucratic implementation of the memorandum.

KISA also welcomes the trainings of the police force, reported above re. the assessment of Paragraph 26 of the Recommendations, as further developing the cooperation of civil society organisations and law enforcement agencies.

59. Any measures taken that contradict the purposes of the recommendation

As far as KISA is concerned, we have not been invited to participate in any consultation process concerning the preparation of the twenty-third and twenty-fourth periodic report or to the follow-up concluding observations.

60. Current status of the problem (especially changes after the adoption of concluding observations)

In spite of the MoC and the training of the police mentioned above, KISA believes that the State is far from reaching a satisfactory level of cooperation and dialogue with civil society organisations. Firstly, KISA would like to highlight our repeated efforts to contact the Ministry of Labour, Welfare and Social Insurance in order to discuss various policy issues in person, which remain unanswered. One of the latest issues that KISA would have liked to discuss with the Ministry is the 'coupons system', as a means of allowance to asylum seekers. The Minister had asked us to send her in writing our positions, refusing to schedule a meeting to discuss the existing issues in person. This is not the first time KISA asked the Minister and/ or the Permanent Secretary of the Ministry for a meeting to discuss such issues. In addition, KISA would also like to stress the reluctance and unwillingness of other State authorities, such as the Ministry of Justice and Public Order, and the Attorney General as described elsewhere in this Report, as examples of indifference on the part of the State to consult with civil society organisations.

Another indication of the State's unwillingness to developing its relations with civil society organisations is the allocation of the funds received by the Government from the Asylum, Migration and Integration Fund (AMIF), which was set up for the period 2014-20, with a total of €3.137 billion for the seven years. AMIF's purpose is to promote the efficient management of migration flows and the implementation, strengthening and development of a common EU approach to asylum and immigration. The aims of the AMIF are: to strengthen the Common European Asylum System; to support legal migration and integration of non-EU nationals; to promote voluntary returns and combat illegal migration; and, with special financial incentives, to support the European Union Resettlement Programme. The Government of Cyprus allocated the funds received from AMIF, to government departments and services, local communities, academic institutions and think tanks including, the Asylum Services, the Municipalities of Aglantzia, Geroskipou, Limassol, Nicosia and Paralimni, and a private TV station. These funds are used for the establishment of assisted voluntary returns information centre, purchase of services for the examination of applications for international protection, forced return operations, integration programmes, as well as the creation of a television cooking show promoting third countries' culture

⁶¹ More information can be found in KISA's press release: <https://goo.gl/M70jp9> and the full memorandum can be found here: <https://goo.gl/MrlkSG>

through gastronomy. None of these funds were allocated to NGOs in order to strengthen and improve their ability to provide their services, towards asylum seekers, refugees and migrants. This stance of the Government not to allocate any of the funds to NGOs, which are the main providers of services to this section of the population, is particularly damaging to and, in essence, drains NGOs financially. Again, this is indicative of the State's unwillingness and absence of cooperation with civil society organisations.

A particular point which KISA would like to highlight is the criminalisation and intimidation of human rights activists and organisations. A recent example of this is the prosecution of Doros Polykarpou (DP), Executive Director of KISA, with the charge of 'attacking' a Central Prison guard (Sergeant G.K.) and 'causing [him] actual bodily harm'. The incident took place on 1 April 2013, when the said guard, in the presence of police officers and other prison staff, attacked, verbally and physically, DP, while the latter was protesting outside his home near the Central Prison for issues concerning pollution and other problems caused by the Prison. Later on in the day, after Sergeant G.K. found out that DP had filed a complaint against him to the police, he followed the same tactic that many police officers seem to favour when they are involved in cases of civil abuse. Thus, he also filed a complaint against the complainant citizen with the above charges. The Court's decision, issued on 2 September 2016, acquitting DP and declaring him innocent of the charges, is very telling as to the motives of the Police. It is interesting to note that the Police withdrew the charges against Sergeant G.K. on the basis of the complaint filed by Doros Polykarpou. KISA is concerned with the fact as to how it was possible that although both the police and the respective Ministry are aware of the fact that G.K. was sentenced for a criminal offense against a citizen while he was on duty (defamation against DP), not only there were no disciplinary sanctions against him but no disciplinary investigation has been conducted in regards to what happened. It is noted that G.K. was acquitted of the charges concerning the cause of actual bodily harm against DP by the consent of the prosecution authority and without even informing the complainant.

In another instance, a journalist, Marios Demetriou, who has on several occasions during the last few years been awarded for his work, was dismissed by his employer, "Simerini" newspaper, of the DIAS publishing house, in which he had worked for almost 40 years, on the pretext of a 'decrease of turnover' and for 'reorganization' purposes of the publishing house. In the past, Mr Demetriou was pressured by DIAS' owners leading to his self-censorship. One of the main reasons for this was the fact that he had consistently reported on matters pertaining to immigration, asylum, trafficking in human beings and promoting KISA's and other NGOs' work. In 2011, his newspaper column was suspended for 2 months on the pretext of an article on matters concerning KISA. Given the above-mentioned, and on the basis of related information, KISA has been led to the conclusion that Mr Demetriou has lost his job because he did not give in to the pressure posed by the Publishing House to proceed to self-censorship. The decision to terminate his employment is directly connected to Mr. E.M.'s case, reported above in the report, and more particularly to a relevant article dated 19 August 2016.⁶² The article concerned the said case and the incomprehensible decision of the Nicosia District Court to reject evidence⁶³ by the independent expert witness Dr Emile Joffe as far as security and human rights in Egypt are concerned.

More information on incidents of criminalisation can be found in KISA's submission to the CPT.⁶⁴

All of the above, in KISA's opinion point to the negative stance that the Government has against civil society organisations.

Nicosia, 20.04.2017

⁶² For instance see: <https://goo.gl/Oi7X8L>

⁶³ For more please see: <https://goo.gl/WL3JXa>

⁶⁴ Report submitted by KISA to the Council of Europe's CPT, January 2017: <https://goo.gl/QuKcyN>