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Committee on the Elimination of Racial Discrimination**Concluding observations on the twenty-third and twenty-fourth periodic reports of Cyprus***

1. The Committee considered the combined twenty-third to twenty fourth periodic reports of Cyprus (CERD/C/CYP/23-24), submitted in one document, at its 2532nd and 2533rd meetings (CERD/C/SR.2532; CERD/C/SR.2533), held on 3 and 4 May 2017. At its 2544th and 2545th meeting, held on 11 and 12 May 2017 it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the timely submission of the combined twenty-third to twenty fourth periodic reports of the State party, which included responses to the concerns raised by the Committee in its previous concluding observations. The Committee wishes to commend the regularity in reporting and welcomes the open and constructive dialogue with the State party's high level delegation.

B. Positive aspects

3. The Committee welcomes the adoption of the following legislative and policy measures:

- (a) The National Action Plan on Gender Equality 2014-2017;
- (b) The National Action Plan against Human Trafficking 2016-2018;
- (c) Publication in 2016 of a manual on the National Referral Mechanism which outlines the procedures for victim identification and referral to government services, in accordance with the 2015 recommendation of Group of Experts on Action Against Trafficking in Human Beings (GRETA), as well as other measures such as increasing number of police officers in the anti-trafficking unit;
- (d) Creation of a Code of Conduct against Racism and Guide for Managing and Reporting Racist Incidents in Schools in 2014, which set out an anti-racist policy and provides schools and teachers with advice on preventing racist incidents and violence in school context, as well as a recommendation by the Ministry of Education and Culture that all schools implement this code in the 2015-2016 school year;
- (e) National Roma Platform (May 2016-April 2017) to strengthen multi-stakeholder accountability on the integration of Roma.

* Adopted by the Committee at its ninety-second session (24 April to 12 May 2017).

(f) Revision of the legal framework for the prevention, combating trafficking and exploitation of persons and the protection of victims (L.60(I)/2014) in 2014 to enhance victim protection, “without any discrimination regarding sex, race, political beliefs, colour, religion, language, national or social origin and association with a national minority, property, birth or other status.”

(g) Revisions to the Private Employment Agency Law (L.150 (I)/2013) in 2013 in order to harmonize Cyprus Law with Directive 2008/104/EU of the European Parliament and of the Council, on temporary agency work to strengthen the inspections procedures.

4. The Committee welcomes the ratification by the State party of the ILO Forced Labour Protocol in January 2017.

C. Factors and difficulties impeding the implementation of the Convention

5. While the Committee notes that the State party does not exercise control over all of its territory and is thus unable to ensure full application of the Convention, it remains concerned that the current political situation hinders the efforts to protect vulnerable groups covered by the Convention in the territory of the Republic of Cyprus.

D. Concerns and recommendations

Peace process and intercommunal relations

6. The Committee welcomes the ongoing peace process. The Committee is aware that the protracted conflict in Cyprus and the continued division of the island maintains tension between the Greek Cypriot and Turkish Cypriot communities.

7. The Committee encourages the State party to continue its engagement in the peace process, in order to seek a comprehensive settlement of the Cyprus problem. The Committee also continues its support to the recommendations of the Office of the United Nations High Commissioner for Human Rights with regard to addressing the underlying human rights concerns, in particular the rights enshrined in the Convention. The Committee requests the State party to continue to provide it with updated information on efforts to improve relations between the two communities.

Statistical data

8. The Committee notes that the demographic data on the ethnic composition of the population provided by the State party is from its Statistical Service Department in 2011. The Committee regrets the lack of updated demographic data and the lack of comprehensive data on the enjoyment of economic and social rights by ethnic groups and the representation of ethnic minorities in State and public institutions (art. 1 and 5).

9. The Committee refers the State party to its revised guidelines for reporting under the Convention (see CERD/C/2007/1, paras. 10-12) and recommends that the State party gather and provide updated statistical data on the ethnic composition of its population, on the basis of self-identification. The Committee further recommends that the State party provide statistical data on the enjoyment of economic and social rights by all ethnic groups, as well as their representation in public and political life, to provide the Committee with an empirical basis on which to measure the enjoyment of the rights enshrined in the Convention.

Domestic application of the Convention

10. Recalling its previous concluding observations (CERD/C/CYP/CO/17-22, paras. 8-10), the Committee regrets the lack of information on efforts taken by the State party to address the gaps in its legal framework on racial discrimination. The Committee further regrets the lack of information on efforts by the State party to amend or repeal discriminatory laws, regulations and policies. The Committee notes with interest information provided by the State party that the Committee’s general recommendations were cited in domestic court

decisions. The Committee regrets the lack of detailed information on cases in which the rights in the Convention have been invoked in domestic courts (art. 2).

11. The Committee recommends that the State party ensure that sufficient domestic legislation is enacted to give effect to all rights enshrined in the Convention. The Committee recommends that the State party review its laws, regulations and policies, to amend or repeal, in compliance with Article 2(c) of the Convention, any provisions which create or perpetuate racial discrimination. The Committee requests that the State party provide detailed information on cases in which the provisions in this Convention have been cited in national courts.

Racism as an aggravating circumstance

12. The Committee welcomes Article 8 of Law 134(I)/2011 on Combating Certain Forms and Expressions of Racism and Xenophobia by means of Criminal Law which states that racist and xenophobic motivation for any offence constitutes an aggravating circumstance. However, the Committee is concerned at the lack of information or data indicating the application of this provision.

13. The Committee recommends that the State party implement Article 8 of Law 134(I)/2011 and provide it with detailed information, including data, on its application.

National Human Rights Institution

14. The Committee notes that as of 2015, the Office of the Commissioner for Administration and Human Rights was awarded B status by the Global Alliance of National Human Rights Institutions. The Committee is concerned that the Commissioner cannot appoint his or her own staff. The Committee is further concerned that the Commissioner's office lacks the financial and human resources necessary to independently, impartially, and effectively carry out its mandate (art. 2).

15. Recalling its general recommendation no. 17 (1993) on the establishment of national institutions to facilitate the implementation of the Convention, the Committee recommends that the State party ensure that the Commissioner can appoint his or her own staff. It further recommends that the State party take necessary measures to ensure that the Office of the Commissioner has sufficient human and financial resources to effectively and independently discharge its mandate, in accordance with the Paris Principles (A/res/48/134 of 20 December 1993). The State party is encouraged to take necessary measures to address the recommendations of the Global Alliance of National Human Rights Institutions Sub-Committee on Accreditation in order to obtain A status.

Hate crimes and hate speech

16. The Committee is concerned at reported racially motivated verbal abuse and physical attacks by right-wing extremists and neo-Nazi groups against persons of foreign origin, including persons of African descent, as well as against human rights defenders and Turkish Cypriots. The Committee is further concerned at the use of racist stereotypes and hate speech in the public sphere, sometimes promulgated by the media against members of certain minority groups including Roma/Kurbets and ethnic minorities who are Muslims. The Committee is concerned at the lack of enforcement or existence of sufficient legislation to obtain accountability for these acts (arts. 4-5).

17. The Committee recommends that the State party take immediate measures to protect the safety and security of ethnic minorities and human rights defenders. Recalling its general recommendations no. 7 (1985) relating to the implementation of article 4, no. 15 (1993) on article 4 of the Convention, and no. 35 (2013) on combating racist hate speech, the Committee also recommends that the State party:

(a) Ensure the adoption of comprehensive legislation on hate speech fulfilling the requirements of article 4 of the Convention;

(b) Enforce legislative provisions to prosecute perpetrators of hate crimes and hate speech to deter further crimes and prevent impunity of perpetrators;

(c) Provide information in its next periodic report, on the number of cases reported, investigations, prosecutions, and convictions of perpetrators.

Situation of Roma/Kurbets

18. While appreciating information provided by the State party during the dialogue on its efforts to improve housing units inhabited by Roma and provide education in Kurbetcha, the Committee regrets the lack of information on a comprehensive strategy for the inclusion of Roma. The Committee is concerned that Roma/Kurbets continue to face discrimination and stigmatization as well as challenges such as low school attendance and high dropout rates of Roma/Kurbets children, difficulty accessing adequate housing, unemployment, and reported racist attacks (art. 5).

19. The Committee recommends that the State party develop a comprehensive strategy for the inclusion of Roma/Kurbets to ensure that they have access to adequate housing, education (including in the Kurbetcha language where and when appropriate), employment and health care without discrimination or stigma. The Committee further recommends that sufficient resources are allocated for the implementation of this strategy and that the implementation of the strategy is adequately monitored and evaluated.

Situation of asylum seekers

20. The Committee is concerned at the situation of asylum seekers in the State party, including:

(a) Limited reception facilities and insufficient access to services for the large numbers of asylum seekers accommodated in the Kofinou Reception Centre;

(b) Limited range of employment opportunities for asylum seekers, who are mostly limited to employment in the fields of agriculture, livestock and fisheries, and negative impact on ability of asylum seekers to access benefits or assistance if categorized as “wilfully unemployed,” regardless of individual circumstances;

(c) Insufficient amount of the social assistance benefit paid to asylum seekers (less than half of the amount paid to citizens) (art. 5).

21. The Committee, recalling its General Recommendation No. 30 on Discrimination Against Non-Citizens recommends that the State party:

(a) Expand existing reception facilities and ensure that all asylum seekers have access to important services, such as medical care, housing, and transportation from the remote Kofinou Reception Centre;

(b) Ensure equal employment opportunities for asylum-seekers including by permitting employment in a wider range of sectors, and provide asylum seekers with access to social assistance programmes, taking into account individual circumstances;

(c) Ensure the same social assistance benefits to asylum seekers as to citizens, without discrimination.

Domestic workers

22. Recalling its previous concluding observations (CERD/C/CYP/CO/17-22, para. 21), the Committee remains concerned that domestic workers in the State party remain vulnerable to exploitation and abuse. The Committee is concerned at the restrictions on domestic workers on the number of times they can change employers, under the work and residence permit. The Committee is also concerned that foreign domestic workers are unable to obtain long-term residence status. While noting that the State party is formulating a new National Action Plan for the Integration of Third-Country Nationals Legally Residing in Cyprus, the Committee notes with concern that foreign domestic workers are reportedly not included in the plan (art. 5).

23. **The Committee reiterates its previous recommendation, and recommends that the State party take necessary measures to end restrictions on change of employers. The Committee recommends that the State party allow all foreign domestic workers who meet the necessary criteria to receive equal consideration for long term resident status, without discrimination. The Committee further recommends that the State party include domestic workers in the National Action Plan for the Integration of Third-Country Nationals Legally Residing in Cyprus.**

Complaints of racial discrimination

24. While welcoming the data provided by the State party on complaints of racial discrimination from 2005-2016, the Committee is concerned at the low number of complaints and even fewer prosecutions and convictions resulting from these complaints. The Committee also reminds the State party that a low number of complaints does not signify the absence of racial discrimination in the State party, but may signify barriers in invoking the rights in the Convention domestically, including the absence of relevant legislation under which the rights can be invoked, lack of public awareness of the rights under the Convention as well as lack of access to, availability of, or confidence in methods to seek judicial recourse (arts. 6-7).

25. **Recalling its general recommendation no. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee recommends that the State party:**

(a) **Ensure that complaints of racial discrimination are properly registered, investigated, prosecuted, and that perpetrators are penalized.**

(b) **Undertake public education campaigns on the rights enshrined in the Convention and legislation under which these rights can be invoked, as well as on the methods for filing complaints on racial discrimination and hate crimes.**

(c) **Ensure that methods for judicial recourse are administered in an open and accessible manner allowing victims to lodge complaints.**

(d) **Provide updated disaggregated data in its next periodic report on the number and types of complaints on racial discrimination reported as well as prosecutions, and convictions of perpetrators.**

Trainings for law enforcement officers, judges, lawyers and state officials

26. The Committee welcomes information provided by the State party on the training of the police. It regrets the lack of information on training programmes and workshops on human rights, the prevention of racial discrimination and the rights enshrined in the Convention carried out for representatives of State bodies, local government entities, and associations, as well as law enforcement officers, judges and lawyers (art. 7).

27. **The Committee recommends that the State party continue to conduct training programmes on racial discrimination with law enforcement officers including on topics such as the prevention of racial profiling, and proper methods of investigation of hate crimes and hate speech. The Committee further recommends that the State party conduct specialized training on the prevention of racial discrimination and the rights enshrined in the Convention for judges, lawyers, and representatives of State bodies, and local government entities, and associations. The Committee requests detailed information on such training programmes and their impact on the situation of ethnic minorities.**

E. Other recommendations

Ratification of other instruments

28. **Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights instruments that it has not yet ratified, in particular treaties with provisions that have**

direct relevance to communities that may be subjected to racial discrimination, including International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the ILO Convention No. 189 concerning Decent Work for Domestic Workers, the 1954 Convention relating to the Status of Stateless Persons, and the 1961 Convention on the Reduction of Statelessness.

Follow-up to the Durban Declaration and Programme of Action

29. In the light of its general recommendation No. 33 (2009) on the follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, 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. 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.

International Decade for People of African Descent

30. In the light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015-2024 the International Decade for People of African Descent, and resolution 69/16 on the programme of activities for the implementation of the Decade, the Committee recommends that the State party prepare and implement a suitable programme of measures and policies. The Committee requests that the State party include in its next periodic report specific information on the concrete measures adopted in that framework, taking into account its general recommendation No. 34 (2011) on racial discrimination against people of African descent.

Consultations with civil society

31. The Committee recommends that the State party continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations.

Follow-up to the present concluding observations

32. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 13 and 27 above.

Paragraphs of particular importance

33. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 17, 19, 21 and 23 above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

Dissemination of information

34. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly publicized in the official and other commonly used languages, as appropriate.

Preparation of the next report

35. The Committee recommends that the State party submit its combined twenty-fifth periodic report, by 4 January 2020, taking into account the reporting guidelines

adopted by the Committee during its seventy-first session (CERD/C/2007/1) and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports.
