



**ADDRESS BY THE LAW COMMISSIONER
OF THE REPUBLIC OF CYPRUS, MS. LEDA KOURSOUMBA,
HEAD OF THE CYPRUS DELEGATION
AT THE CONSIDERATION BY THE COMMITTEE
ON THE ELIMINATION OF RACIAL DISCRIMINATION
OF THE COMBINED, TWENTY-THIRD AND TWENTY-FOURTH
PERIODIC REPORTS OF CYPRUS
SUBMITTED UNDER ARTICLE 9 OF THE INTERNATIONAL
CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL
DISCRIMINATION**

- CHECK AGAINST DELIVERY -

**GENEVA
3rd May, 2017**

Madame Chairperson,
Distinguished Members of the Committee,

1. It is, indeed, an honour and a privilege for me and the other members of the delegation of the Republic of Cyprus to appear before your Committee in order to present and elaborate on the 23rd and 24th Periodic Reports of Cyprus, submitted under Article 9 of the International Convention on the Elimination of all Forms of Racial Discrimination.

2. Please allow me to present the members of our delegation:

- Myself, the Law Commissioner of the Republic of Cyprus, an independent State Official, directly accountable to the President of the Republic, with a fix mandate of six years, having competence, inter alia, to make proposals for reform of the national legislation with a view to achieving compatibility with international human rights instruments, like the ICERD, and to prepare the country reports under such international treaties,
- The Deputy Permanent Representative of the Republic to the United Nations in Geneva, Mr Demetris Samuel,
- Mr. Costas Veis, Head of the Office of Combating Discrimination, Cyprus Police Headquarters,
- Dr. Andreas Tsiakkiros, Officer at the Primary Education Director's Office, Ministry of Education and Culture,
- Mrs. Artemis Artemiou, Administrative Officer, Asylum Department, Ministry of Interior,
- Mrs. Natalia Andreou, International Relations Adviser, Ministry of Labour, Welfare and Social Insurance, and
- Mrs. Michaelia Avani, Second Secretary, Permanent Mission of the Republic to the United Nations in Geneva.

Madame Chairperson,

3. Cyprus attributes great importance to the ICERD, as the principal human rights instrument regarding the battle against racism, and takes seriously into consideration the recommendations made by your Committee, in the framework of

Government policy on to the elimination of racial discrimination. We strongly believe that, this process of review, is a critical element in our efforts towards achieving our common goal and, in this context, we look forward to engaging with you in the constructive dialogue, which will follow.

4. Cyprus ratified the ICERD in 1967 and has been submitting its Country Reports since.

5. During the period under review (2012- to this day), Cyprus has achieved many important goals in the battle against racial discrimination, by continuing to promote anti-racism targets, through the development of National Action Plans (NAPs), and the enactment of several anti-discrimination laws, in line with international binding instruments and EU Law. It is important to stress that, one of the main priorities of the Cyprus Chairmanship of the Council of Europe (November 2016 to May 2017) is to focus, in particular, on the rights and freedoms of all people without any discrimination. This is manifested in the statement issued by the Minister of Foreign Affairs of Cyprus on the International Day of the Elimination of Racial Discrimination: “Fighting racism is today more important than ever. Everybody has a role to play, primarily we, politicians and public figures, undertaking a particular responsibility to maintain the strength of our open European societies and to build communities inclusive of all people, without discrimination. We have a collective duty to stand against racism and all forms of discrimination whenever they occur.” Therefore, we are here before you to report on the progress within this framework, which has been underlined by a commitment and strong political will towards equality and tolerance.

6. Despite the economic difficulties explained in our Country Report, Cyprus is determined to continue its coordinated efforts to ensure full compliance with all international human rights instruments to which it is a party, and safeguard the human rights of all people in Cyprus, without any exception. Respect of human rights is of paramount importance for Cyprus and the efforts of the authorities to that effect will continue unabated. Cyprus continues to grant voluntary contributions to various UN Funds and Agencies involved in human rights related activities, manifesting its adherence to and determination in promoting human rights.

7. I am in the regretful position to remind you that, due to the continuing illegal occupation of 36,2% of its territory by Turkish military forces, the State Party, is not in a position to exercise effective control over all of its territory and, consequently, cannot ensure the application of the ICERD in areas not under its effective control. This is a fact reflected in the Report of the Office of the United Nations High Commissioner for Human Rights on the Question of Human Rights in Cyprus (1 February 2013). The consequences and limitations of this, are reflected in para. 3 of our Country Report. [As a consequence, the Government of the Republic of Cyprus is unable to ensure full realization of its anti-discrimination policies and is deprived of its ability to apply anti-racism laws, policies and programmes to the people living in the part of the country under Turkish occupation. It is relevant to remind you that, the accession of Cyprus to the EU was subject to Protocol 10 to the Act of Accession of 2003, according to which the application of the *acquis* is “suspended in those areas in the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control”. In view of this, no reliable information or data are available regarding the enjoyment of the relevant rights by the population living in the occupied area of Cyprus. Consequently, all information and data presented in our Country Report and in my address today, concern the Government-controlled areas.]

Madame Chairperson,

8. A detailed and thorough analysis of the developments in legislation, administration, government policies and NAPs was given in our Country Report, covering the period 2012-2015 and in our Follow-up Report providing information on Recommendations 13, 20 and 23 of the Concluding Observations (CERD/C/CYP/CO/17-22/Add.1). In my address today, I will be highlighting some of those developments which are considered to be the most important. Moreover, I will concentrate on presenting and briefly analyzing the developments thereafter, in that partly answering the matters raised in the document “*list of themes in relation to the combined twenty-third and twenty-fourth periodic reports of Cyprus dated 2/3/2017 (CERD/C/CYP/Q/23-24)*”. Detailed information concerning the whole period under review and the issues contained in the list of themes will be given by our experts during the interactive dialogue that will ensue.

A. LEGISLATION

9. Cyprus proceeded with the enactment of a significant number of legislative measures, which are set out in our Country Report (paras. 14-22), thus incorporating in the national legal order, a number of international and EU binding instruments and improving the country's anti-discrimination legal framework and policy. The most important are:

(a) The Criminal Code, Cap 154, as amended

The Criminal Code was amended in 2015 in order to penalize public incitement of acts that may be discriminatory or of hatred or violence against persons because of their sexual orientation or gender identity.

Very recently the Criminal Code was again amended along the lines recommended by the Ombudsman so as to further strengthen the general legal framework on racial discrimination [The Criminal Code (Amendment) Law 31(I)/2017, which came into force on 7.4.2017 - section 35A], extending the application of the Law, so that the court can consider as aggravating circumstances, in addition to the racist and xenophobic motivation, the homophobic motivation (sexual orientation and gender identity). Therefore, the racist, xenophobic and homophobic motivations constitute aggravating circumstances in relation to all offences.

(b) The Legal Aid Law [Law 165(I)/2002]

The Law on Legal Aid has been repeatedly amended in recent years, extending further the legal aid scheme, as described in detail in our Country Report (par.20).

In 2016, the Legal Aid Law was further reviewed adding new rights for applicants of international protection. These are: (a) right to legal aid when lodging a recourse before the Administrative Court (under Article 146 of the Constitution) against a decision rejecting an application for provision of benefits, or a decision withdrawing or limiting the benefits already provided for, to the applicant, or a decision concerning the residence or the free movement of the applicant, and (b) right to legal aid when

lodging a recourse before the Administrative Court (under Article 146 of the Constitution) exercising the right granted under the provisions of paragraph (1) of article 27 of the Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person.

(c) The Prevention, Combating Trafficking and Exploitation of Persons and the Protection of Victims Law, 2014[L.60(I)/2014]

It revised the overall legal framework and enhanced 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. It covers various forms of trafficking in human beings and has expanded the definition of victim to include persons trafficked and/or exploited, irrespective of whether they sustained damage or not.

10. The National Referral Mechanism (NRM) established by the previous Trafficking Law (of 2007) was upgraded by the adoption, in May 2016, of *the Guide for Handling Cases of Victims of THB*. It establishes a cooperation framework between the competent government authorities and NGOs, and aims to ensure the access of victims to their rights, thus creating a protective framework. It provides mapping of the processes and the role of each government agency and competent NGOs and the coordination of action, for the effective referral of the victims.

B. NATIONAL ACTION PLANS (NAPs)

11. NAPs and Strategies have been developed and continue to be developed and upgraded aiming to combat and eliminate discrimination. For example:

- National Action Plan against Human Trafficking 2016-2018:

The 2016-2018 NAP emerged from the evaluation of the previous NAP 2013-2015, the proposals of the Multidisciplinary Coordinating Group, and the provisions of Directive 2011/36/EU and of the European Strategy against Trafficking in Human Beings 2012-2016. It has taken into account the recommendations of the Council of

Europe Committee of Experts Against Trafficking (GRETA) and the US State Department Report (TIP Report 2016). The priorities set in the NAP are the amendment of the existing legislation, in order to improve implementation, the support to victims with a special emphasis on safe housing and protection, training of frontline officers, training of judges for the effective implementation of legislation, and the promotion of cooperation-protocols between NGOs and government agencies

- **A new National Action Plan for the Integration of Third-Country Nationals Legally Residing in Cyprus (NAPITCNLRC)** is being formulated by the Government. It duly takes into consideration the Comments, Concluding Observations and Recommendations made by treaty bodies in relation to Country Reports submitted by Cyprus, such as yours, in an effort to address any shortcomings of the previous Plan. This NAP will be the outcome of consultation among competent authorities, national independent monitoring mechanisms, NGOs, civil society and social partners. Its key elements include, social inclusion and protection of vulnerable individuals, anti-discrimination and anti-racism policy actions.

C. EFFORTS MADE TO REACH A COMPREHENSIVE SETTLEMENT TO THE CONTINUED DIVISION OF CYPRUS

12. Efforts to reunify Cyprus on the basis of a functional and lasting settlement to the 43 years old conflict are ongoing. Though there is currently no fighting, the status quo arising from the ongoing occupation persists, entailing i) a precarious security situation with a densely militarized occupied area and opposing armies without direct contact and ii) human rights violations (right to life, property, obligation to account for missing persons) and war crimes (settlers).

13. The peace process is taking place, as always, in the framework of the good offices mission of the UNSG, between the leaders of the two Communities of Cyprus. One of the primary pursuits of this effort, is to ensure, after the settlement, respect of the human rights and fundamental freedoms for every person, but, also, to redress past and ongoing violations of such rights.

14. The current round of negotiations to reach a settlement began in late 2013. Over the past two years, much progress has been recorded, probably more than in any effort

in the past. This can be attributed to Cyprus' EU membership for creating organic conditions of peace, but also, the Cypriot ownership of the peace process.

15. Despite the progress achieved, reaching a settlement is, by no means, a foregone conclusion. Many challenges remain, chiefly pertaining to i) facts which have been created on the ground, since the occupation began, thus prejudicing the outcome of negotiations and ii) the interests of third parties at the expense of Cyprus and the Cypriots.

16. The process has recently resumed after a brief hiatus and is anticipated to reach its final stages in the coming months. In terms of human rights protection, we are absolutely insistent that the settlement should safeguard the rights of all Cypriots, irrespective of their sex, race, skin colour, ethnic, national or social origin, ancestry, physical or genetic characteristics, language, religion or belief or lack of religious belief, political opinion, birth, disability, age, sexual orientation, gender identity, sex characteristics, pregnancy or childbirth, or any status, be it wealth/social/employment/family/marital or health status.

17. Irrespective of the fruition of the settlement process, the Republic of Cyprus is committed to protecting the human rights and fundamental freedoms of all people within its jurisdiction, notwithstanding the ongoing effects of the aggression against it.

D. DEVELOPMENTS IN THE WORKPLACE-WORKING AND SOCIAL CONDITIONS

18. Cyprus is committed to continue its efforts in improving working conditions, especially for the more vulnerable groups. The most important changes during the period under review include the following:

(a) Changes in the employment of non-EU workers policy

Administrative adjustments have been made, so that domestic workers receive their standard analytical written contract of employment prior to arriving in Cyprus. These were made more detailed to clarify points requiring to be further elaborated.

The maximum stay permit for domestic workers and workers in agriculture and animal husbandry has been extended from 4 to 6 years. This permit can be further extended, under certain conditions, for further 2-year periods. All restrictions for the employment of male domestic workers have been lifted.

Additional facilitation measures have been introduced as regards IT companies and the employment of highly skilled employees from non-EU countries.

As regards the spouses of Cypriots, the obligation to provide a guarantee letter was abolished. The initial stay permit is valid for 3 years and the renewal is of unlimited duration.

(b) ILO Forced Labour Protocol

Cyprus has ratified *the ILO Forced Labour Protocol* in January 2017, (becoming the twelfth state globally, and the sixth EU Member State to have done so), recognizing the key strategic importance of this labour standard, given the magnitude of modern slavery in all its forms.

Cyprus has the necessary legislative, institutional and administrative framework to support the provisions of the Protocol that focuses on protection, prevention and compensation and addresses new forms of modern slavery, which are even more complex and difficult to tackle. The Protocol complements the *ILO Forced Labour Convention* by adding new elements, such as addressing root causes to eliminate slavery once and for all. Furthermore, it requires employers to exercise “due diligence” to avoid modern slavery in their business practices or supply chains.

To complement the existing framework, an Action Plan to give full effect to the provisions of the Forced Labour Protocol is being prepared, mobilizing the necessary resources and stakeholders to achieve this.

ROMA

19. In the framework of the EU Strategy on Roma population, the Social Welfare Services [of the Ministry of Labour, Welfare and Social Insurance] have been

designated by the Council of Ministers as the national contact point for the coordination of the policies to be implemented for the Roma population.

Roma issues are an integral part of a dialogue with local authorities, currently taking place. The practices established with local authorities include social dialogue and support (both financial and in-kind) in developing programmes addressing the needs of the Roma community.

A new initiative began in May 2016, in cooperation with the European Commission, for the establishment of a National Roma Platform. The Project entitled the “Cyprus national Roma Platform (Cyprus NRP)”, funded by the European Commission [under the “Rights, Equality and Citizenship Programme (2014-2020)” project and run for the period May 2016-April 2017], aims, inter alia, to strength and deepen multi-stakeholder accountability, including Roma and their ownership of the results and commitment to the outcomes of the process of Roma integration.

E. DEVELOPMENTS IN THE ROLE OF THE POLICE IN COMBATING RACIAL DISCRIMINATION

20. During the period under review, the Cyprus Police enhanced its efforts in raising the awareness of its members in order to effectively combat and eliminate all forms of discrimination or violations of human rights related to the performance of police duties. The issue was addressed through training, introduction of new policies and procedures, publications, and cooperation with relevant NGOs and competent national and international authorities.

21. In March 2017, the Cyprus Police signed a Memorandum of Cooperation for the Protection and Promotion of Human Rights with twelve NGOs with a human rights agenda, including KISA, ACCEPT-LGBT and Hope for Children, targeting, inter alia, to enhance awareness, educate police members and strengthen the cooperation on issues relating to the protection of human rights.

22. A new police training tool, a “Manual on Human Rights”, with a specific chapter on combating discrimination, is currently in print, to be used in addition to those

already existing [“Police Manual of Intercultural Sensitivity” and the “Police Handbook on the treatment on juvenile offenders and victims”].

23. In 2013, the Police and the Office of the Ombudsman agreed on a Police Policy Statement for the prevention, handling and combating discrimination and racist crime. The Statement restructures, elaborates and improves the pre-existing framework. It emphasizes the development of proactive and deterrent action, victim encouragement, support and protection, as well as, more effective intervention and investigation measures.

24. Trainings for police officers, and especially those employed in Immigration and Community Policing, continued and intensified. Numerous training actions were realized in partnership with competent non-police agencies, such as the University of Cyprus, the Ombudsman, and KISA.

25. Following a recommendation of the Council of Europe Committee for the Prevention of Torture (CPT) and the Ombudsman, the capacity of Menoyia Detention Center for persons awaiting deportation, was reduced to half, (from 256 to 128 persons).

26. In 2015, the Office for Combating Trafficking in Human Beings, based at the Police Headquarters, was reinforced with investigators and became a fully operational unit, tasked with investigating all relevant cases at the national level. Since then, the CoE Group of Experts against Trafficking (GRETA) in their second review of Cyprus highlighted several improvements, and the US State Department upgraded Cyprus to Tier One of their Watch List on Trafficking (ITP Report 2016).

27. The Independent Authority for the Investigation of Allegations and Complaints Against the Police (IAIACAP) keeps Police behaviour under close monitoring and provides annual statistics of their work (see Annex B of our Country Report). New statistical data for the period 2015-2016 have been submitted today.

F. DEVELOPMENTS IN EDUCATION

28. The Ministry of Education and Culture (MOEC) is committed to preventing any form of discrimination based on race, sex, language, religion, colour or national origin. Since the submission of our Report, the MOEC has promoted various actions and activities aiming to eliminate all forms of racial discrimination, through the adoption of a systematic, multi-dimensional approach. Various actions and activities have been implemented, which I will attempt to outline hereinafter. Through its 3-year Strategic Plan for the period 2017-2019, the MOEC aims to ensure the provision of learning opportunities to all, through the implementation of an educational policy which embodies the values of equality, inclusivity, creativeness and innovation. The MOEC focuses on satisfying the longstanding need for establishing a democratic and human-centred school environment, where all children study together, preparing for their common future.

29. For the current school year, the MOEC has set a new goal under emphasis entitled *"Raising awareness against racism and intolerance and promoting equality and respect"*. All schools have been encouraged to implement, at a broader level, the anti-racism policy *"Code of Conduct against Racism and Guide for Managing and Recording Racist Incidents"*. As a result, schools have developed and implemented various activities involving students, teachers and parents. The goal includes specific references to the need for promoting tolerance and peace, in the context of the current efforts towards a solution to the political problem and reunification of the island.

30. Moreover, the MOEC has recently designed, developed and implemented an upgraded educational Policy for Multicultural Education, aiming at the smooth integration of students from diverse ethnic backgrounds into the educational system. A relevant Action Plan was developed with a variety of targeted actions, through the prism of an intercultural approach, anti-racist education and the methodology of teaching Greek as a second language. [The Policy focuses on five priority areas: (1) learning the Greek language, (2) reception of newly arrived children with migrant background, (3) education and teachers' in-service training, (4) data collection and analysis of the needs of students with a migrant background and (5) intercultural approach in the new curricula].

31. The Pedagogical Institute organises, several conferences and seminars on issues relevant to the ICERD, such as intercultural education, anti-racism education, democratic citizenship, human rights and elimination of violence. It also supports teachers and schools, by providing trainings and workshops for the implementation of the anti-racism policy.

32. The Observatory on Violence in Schools has developed a training programme and educational material for training teachers on how to handle incidents of bullying. The Observatory has also prepared a booklet for teachers, to enable them to undertake activities aiming to empower students to recognize incidents of bullying and be able to refer them to their teachers. The Observatory has a coordinating role in the design and implementation of the National Strategy for the Prevention and Management of Violence in Schools. The general aim is to promote and maintain a safe school environment for all students. To this end a scientific research has been undertaken.

33. During the period under review, the Task Force on School Violence has focused on a holistic approach and has worked on eliminating discrimination among students by utilizing and implementing various intervention/prevention programmes. The Task Force is also working closely with schools, other government agencies and NGOs, in preparing specific action plans on dealing with issues of racial and other forms of discrimination.

34. The Educational Psychology Service has implemented programmes and interventions in schools, by educational psychologists to normalize and improve the school climate and the relationships among students, where there is a problematic situation. Educational psychologists also responded to a number of requests from teachers and/or parents of refugee children in order to assess their situation in schools and make recommendations for specialized help.

35. In 2015 the MOEC established a Coordinating Committee for the Prevention and Combating of Sexual Abuse of Children. In close cooperation with other Ministries, the Committee has prepared the MOEC's three-year Action Plan for protecting children from sexual abuse. This Plan became part of the Cyprus National Strategy for the Protection of Children from Sexual Exploitation, Sexual Abuse and Child

Pornography, developed pursuant to the relevant law. The MOEC has organised and carried out multi-level actions to promote and implement the National Strategy.

36. The elimination of all forms of racial discrimination remains high on the education agenda of the MOEC and towards this end it will intensify its efforts for adopting effective measures in the areas of teaching, education and culture.

37. In the framework of the peace process, a number of technical committees are in operation with a view to mitigating the consequences of the status quo, where possible. One of these is the *Technical Committee on Education* with a mandate to (1) Review existing research and good practices in education in Cyprus and abroad and undertake new relevant research on how education can contribute to conflict transformation, peace, reconciliation and the countering of prejudice, discrimination, racism, xenophobia and extremism; (2) Work on devising a mutually acceptable mechanism for the implementation of confidence building measures in schools of the two educational systems and promote contact and co-operation between students and educators from the two communities; and (3) Recommend best policy options and course of action that will allow co-ordination of the two educational systems, thus contributing to a viable, sustainable and functional bi-communal, bi-zonal federation. Another one is the *Committee for the Restoration of Cultural Heritage Destroyed as a Result of Conflict or Neglect*. Respect for the common heritage of Cyprus, irrespective of which ethnicity or religion is associated with, is the first step towards reconciliation and mutual understanding. To this day, a number of monuments, island-wide, have been structurally supported, physically protected or restored, others are currently undergoing study/restoration while others will benefit from similar interventions in the near future. Examples of this effort are the work done in the Apostolos Andreas Monastery and the Evretou Mosque.

Madame Chairperson,

38. During the period under review, there were significant positive developments regarding Cyprus's compliance with the letter and the spirit of the ICERD. Many anti-discrimination laws were enacted, and policies adopted, several NAPs were initiated,

as an ongoing process, aiming at promoting human rights and combating racism and all forms of discrimination.

39. Cyprus is determined to intensify its efforts to eliminate any stereotypes leading to racial discrimination in all its forms, and to promote tolerance and understanding among all ethnic groups. We are committed to continue working for the further advancement of awareness raising and education on human rights, in general, and anti-racism, in particular, and to take all necessary measures towards that goal, despite the economic crisis we are still facing, and which has negatively affected the country's economy and adversely impacted social cohesion. After all, equality in times of hardship, should not be regarded as an economic burden for the society, but should be a prerequisite for social development and growth.

Thank you Madame Chairperson.